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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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2. The relationship between the Federal Register and Code of Federal Regulations.
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4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: January 26, at 9:00 a.m.
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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

[Docket No. FV-88-122]

Oranges and Grapefruit Grown in the Lower Rio Grande Valley in Texas; Authorization of an Additional Container

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is adopting without modification as a final rule provisions of an interim final rule which authorized an additional container for bulk shipments of Texas orange and grapefruit to retailers. This container is needed by the Texas orange and grapefruit industry to more successfully ship these fruits to the fresh market.

EFFECTIVE DATE: December 12, 1988.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456; telephone: (202) 475-3918.

SUPPLEMENTARY INFORMATION: This final rule is issued under the Marketing Agreement and Marketing Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 through 674), hereinafter referred to as the Act.

This rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 78 handlers of Texas oranges and grapefruit subject to regulation under the Texas citrus marketing order, and approximately 2,500 orange and grapefruit producers in Texas. The number of handlers has been changed to 78 from 22 and the number of producers to 2,500 from 3,000 in this final rule, from that in the interim final rule, reflecting further analysis of pertinent statistical data. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

An interim final rule amending § 906.340 *Container, pack, and container marking regulations* was issued September 22, 1988, and published in the **Federal Register** (53 FR 37728, September 28, 1988; and corrected at 53 FR 43319, October 26, 1988). The interim final rule provided that interested persons could file public comments through October 28, 1988. No comments were received.

The interim final rule revised paragraph (a)(1) of § 906.340 to authorize the use of a third container for bulk shipments of Texas oranges and grapefruit. This container is a fiberboard crib, either rectangular or octagonal in shape, with approximate dimensions of 46 inches to 47-½ inches in length, 37 to 38 inches in width, and 36 inches in height. The container must have a Mullen or Cady test of at least 1,300 pounds and must be used only once for shipment of citrus fruit. This container was used on an experimental basis last season, and it was found acceptable. The major use of this crib is for bulk shipments of fruit to retailers. This action was unanimously recommended by the Texas Valley Citrus Committee, which administers the order locally, at its meeting on June 29, 1988.

The interim final rule also removed obsolete language pertaining to a container no longer authorized but still listed in paragraph (a)(1)(iii) of § 906.340, made minor language changes for clarity in the introductory text and paragraph (a)(1) of § 906.340, and renumbered several paragraphs within paragraph (a)(1).

The Department's view is that the impact of this action, continuing in effect changes made by the interim final rule, will be beneficial to producers and handlers because it will continue to provide handlers with more flexibility in marketing Texas oranges and grapefruit.

Based on the above, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, the information and recommendation submitted by the committee, and other available information, it is found that the final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action maintains relaxed container requirements currently in effect for Texas oranges and grapefruit; (2) handlers of these fruits are aware of this action which was recommended unanimously by the committee at a public meeting and they will need no additional time to continue to comply with the requirements; (3) shipment of the 1988-89 season Texas orange and grapefruit crops is currently in progress; (4) the interim final rule provided a 30-day comment period, and no comments were received; and (5) no useful purpose would be served by delaying the effective date until 30 days after publication.

List of Subjects in 7 CFR Part 906

Marketing agreements and orders, Texas grapefruit, Oranges.

For the reasons set forth in the preamble, 7 CFR Part 906 is amended as follows:

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

1. The authority citation for 7 CFR Part 906 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Accordingly, the interim final rule amending § 906.340, which was published in the **Federal Register** (53 FR 37729, September 28, 1988; and corrected at 53 FR 43319, October 26, 1988), is adopted as a final rule without change.

Note: This section will appear in the Code of Federal Regulations.

Dated: December 7, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 88–28451 Filed 12–9–88; 8:45 am]

BILLING CODE 3410–02–M

Food Safety and Inspection Service

9 CFR Parts 301, 304, 305, 313, 318 and 327

[Docket No. 87–022F]

Mandatory Meat Inspection; Definitions

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; amendment.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to arrange the terms defined in § 301.2 (9 CFR 301.2) in alphabetical order and to make minor clerical revisions in certain of those definitions. The definitions of terms in § 301.2 are being rearranged to permit easier reference to them. Four of the definitions are amended by removing the pronoun "his" and replacing it with the pronouns "his/her" to correct gender terminology within the text of the definitions. The definition for "circuit supervisor" is amended to remove the term "circuit" for clarity. The definition of the term "program" is revised to reflect organizational units that are involved in the administration of inspectional activities. In addition, §§ 304.1(b), 305.5(c), 313.1(c), 318.308(d)(vi)(*a*)(*1*), and 327.5(a), which contain references to certain terms defined in § 301.2 are being amended to be consistent with § 301.2 as revised.

EFFECTIVE DATE: December 12, 1988.

FOR FURTHER INFORMATION CONTACT: Ralph E. Stafko, Director, Policy Office, Policy and Planning Staff, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447–8168.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined that this final rule is not a "major rule" within the scope of Executive Order 12291. It would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises or export markets. This rule requires administrative changes only and the costs of such action are minor.

Effect on Small Entities

The Administrator has determined that this action will not have a significant economic impact upon a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601 *et seq.*) because only nonsubstantive administrative changes are being made and do not effect any member of the public.

It has been decided that the list of terms and definitions in § 301.2 (CFR 301.2) be arranged in alphabetical order so that they will be easier to find in the text. FSIS has considered and adopted the recommendation that the terms be arranged alphabetically in § 301.2, accordingly.

List of Subjects

9 CFR Part 301

Meat inspection.

9 CFR Part 304

Meat inspection.

9 CFR Part 305

Meat inspection.

9 CFR Part 313

Meat inspection.

9 CFR Part 318

Meat inspection.

9 CFR Part 327

Meat inspection.

For reasons set forth in the preamble, Title 9, Subchapter A, Parts 301, 304, 305, 313, 318, and 327 are amended as set forth below.

PART 301—[AMENDED]

1. The authority citation for Part 301 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*

2. Section 301.2 is amended by rearranging and revising the terms in alphabetical order and revising the definition of the term "program" as follows (in effect, paragraphs (a) through (iii) and (kkk) through (yyy) are revised, paragraph (jjj) is added, and paragraph (zzz) is removed):

§ 301.2 Definitions.

* * * * *

(a) *The Act.* The Federal Meat Inspection Act, as amended, (34 Stat. 1260, as amended, 81 Stat. 584, 84 Stat. 438, 92 Stat. 1069, 21 U.S.C., sec. 601 *et seq.*).

(b) *Administrator.* The Administrator of the Food Safety and Inspection Service or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his/her stead.

(c) *Adulterated.* This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any such poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2)(i) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is:

(A) A pesticide chemical in or on a raw agricultural commodity;

(B) A food additive; or

(C) A color additive) which may, in the judgment of the Administrator, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the

meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided,* That an article which is not deemed adulterated under paragraphs (aa)(2) (ii), (iii), or (iv) of this section shall nevertheless be deemed adulterated if use of the pesticide chemical food additive, or color additive in or on such article is prohibited by the regulations in this subchapter in official establishments;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is; or,

(9) If it is margarine containing animal fat and any of the raw material used therein consisted in whole or in part of any filthy, putrid, or decomposed substance, or is otherwise adulterated.

(d) *Anesthesia.* Loss of sensation or feeling.

(e) *Animal food.* Any article intended for use as food for dogs, cats, or other animals derived wholly, or in part, from the carcass or parts or products of the carcass of any livestock, except that the term animal food as used herein does not include:

(1) Processed dry animal food or

(2) Livestock or poultry feeds manufactured from processed livestock byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat).

(f) *Animal food manufacturer.* Any person engaged in the business of manufacturing or processing animal food.

(g) *Area.* One or more circuits under the supervision of an area supervisor.

(h) *Area Supervisor.* The official in charge of an area.

(i) *Artificial coloring.* A coloring containing any dye or pigment, which dye or pigment was manufactured by a process of synthesis or other similar artifice, or a coloring which was manufactured by extracting a natural dye or natural pigment from a plant or other material in which such dye or pigment was naturally produced.

(j) *Artificial flavoring.* A flavoring containing any sapid or aromatic constituent, which constituent was manufactured by a process of synthesis or other similar artifice.

(k) *Biological residue.* Any substance, including metabolites, remaining in livestock at time of slaughter or in any of its tissues after slaughter as the result of treatment or exposure of the livestock to a pesticide, organic or inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

(l) *Capable of use as human food.* This term applies to any carcass, or part or product of a carcass, of any livestock, unless it is denatured or otherwise identified as required by the applicable provisions of §§ 314.3, 314.10, 325.11, and 325.13 of this subchapter to deter its use as a human food, or it is naturally inedible by humans; e.g., hoofs or horns in their natural state.

(m) *Captive bolt.* A stunning instrument which when activated drives a bolt out of a barrel for a limited distance.

(n) *Carbon dioxide.* A gaseous form of the chemical formula CO_2.

(o) *Carbon dioxide concentration.* Ratio of carbon dioxide gas and atmospheric air.

(p) *Carcass.* All parts, including viscera, of any slaughtered livestock.

(q) *Chemical preservative.* Any chemical that, when added to a meat or meat food product, tends to prevent or retard deterioration thereof, but does not include common salt, sugars, vinegars, spices, or oils extracted from spices or substances added to meat and meat food products by exposure to wood smoke.

Other definitions, if any, that are applicable only for purposes of a specific part of the regulations in this subchapter, are set forth in such part.

(r) *Circuit.* One or more official establishments included under the supervision of a circuit supervisor.

(s) *Circuit supervisor.* The supervisor of a circuit.

(t) *Commerce.* Commerce between any State, any Territory, or the District of Columbia, and any place outside thereof; or within any Territory not organized with a legislative body, or the District of Columbia.

(u) *Consciousness.* Responsiveness of the brain to the impressions made by the senses.

(v) *Cutting up.* Any division of any carcass or part thereof, except that the trimming of carcasses or parts thereof to remove surface contaminants is not considered as cutting up.

(w) *Dead livestock.* The body (cadaver) of livestock which has died otherwise than by slaughter.

(x) *The Department.* The United States Department of Agriculture.

(y) *Dying, diseased, or disabled livestock.* Livestock which has or displays symptoms of having any of the following:

(1) Central nervous system disorder;

(2) Abnormal temperature (high or low);

(3) Difficult breathing;

(4) Abnormal swellings;

(5) Lack of muscular coordination;

(6) Inability to walk normally or stand;

(7) Any of the conditions for which livestock is required to be condemned on ante-mortem inspection in accordance with the regulations in Part 309 of this subchapter.

(z) *Edible.* Intended for use as human food.

(aa) *Experimental animal.* Any animal used in any research investigation involving the feeding or other administration of, or subjection to, an experimental biological product, drug, or chemical or any nonexperimental biological product, drug, or chemical used in a manner for which it was not intended.

(bb) *Exposure time.* The period of time an animal is exposed to an anesthesia-producing carbon dioxide concentration.

(cc) *Federal Food, Drug, and Cosmetic Act.* The Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

(dd) *Firm.* Any partnership, association, or other unincorporated business organization.

(ee) *Food Safety and Inspection Service.* The Food Safety and Inspection Service of the Department.

(ff) *Further processing.* Smoking, cooking, canning, curing, refining, or

rendering in an official establishment of product previously prepared in official establishments.

(gg) *Immediate container.* The receptacle or other covering in which any product is directly contained or wholly or partially enclosed.

(hh) *Import Field Office (IFO).* The office of the supervisor of import inspection activities for a particular importing field area. The areas are as follows:

IFO #1. Boston, MA—Covering the States of Massachusetts, New York (excluding New York City), Connecticut, Rhode Island, Vermont, New Hampshire and Maine.

IFO #2. New York, NY—Covering the areas of New York City and northern New Jersey.

IFO #3. Philadelphia, PA—Covering the State of Pennsylvania and the area of southern New Jersey.

IFO #4. Baltimore, MD—Covering the States of Maryland, Delaware, West Virginia, Virginia and Kentucky.

IFO #5. Charleston, SC—Covering the States of Tennessee, North Carolina, South Carolina, Georgia and Florida (excluding south Florida).

1IFO #6. Miami, FL—Covering the areas of southern Florida, Puerto Rico and the Virgin Islands.

1IFO #7. New Orleans, LA—Covering the States of Louisiana, Mississippi, Alabama, Arkansas, Texas, Oklahoma, Kansas, New Mexico and Colorado.

1IFO #8. San Pedro, CA—Covering the States of Hawaii, Arizona, Utah, Nevada, the area of southern California, American Samoa, Guam, and the Northern Marianas.

1IFO #9. Tacoma, WA—Covering the States of Washington, Oregon, Idaho, Montana, Wyoming, North Dakota, South Dakota, Alaska, and Nebraska, and the area of northern California.

1IFO #10. Detroit, MI—Covering the States of Michigan, Wisconsin, Minnesota, Iowa, Missouri, Illinois, Indiana and Ohio.

(ii) *Import Supervisor.* The official in charge of import inspection activities within each of the import field offices.

(jj) *Inedible.* Adulterated, uninspected, or not intended for use as human food.

(kk) *Inhumane slaughter or handling in connection with slaughter.* Slaughter or handling in connection with slaughter not in accordance with the Act of August 27, 1958 (72 Stat. 862; 7 U.S.C. 1901 through 1906, as amended by the Humane Methods of Slaughter Act of 1978, 92 Stat. 1069) and Part 313 of this subchapter.

(ll) *"Inspected and passed" or "U.S. Inspected and Passed" or "U.S. Inspected and Passed by Department of Agriculture" (or any authorized abbreviation thereof).* This term means that the product so identified has been inspected and passed under the regulations in this subchapter, and at the time it was inspected, passed, and identified, it was found to be not adulterated.

(mm) *Inspector.* An inspector of the Program.

(nn) *Inspector in charge.* A designated program employee who is in charge of one or more official establishments within a circuit and is responsible to the circuit supervisor or his/her designee.

(oo) *Label.* A display of written, printed, or graphic matter upon the immediate container (not including package liners) of any article.

(pp) *Labeling.* All labels and other written, printed, or graphic matter:

(1) Upon any article or any of its containers or wrappers, or

(2) Accompanying such article.

(qq) *Livestock.* Cattle, sheep, swine, goat, horse, mule, or other equine.

(rr) *Meat.* The part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(ss) *Meat broker.* Any person engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for his/her own account or as an employee of another person.

(tt) *Meat byproduct.* Any part capable of use as human food, other than meat, which has been derived from one or more cattle, sheep, swine, or goats. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(uu) *Meat food product.* Any article capable of use as human food which is made wholly or in part from any meat or other portion of the carcass of any cattle, sheep, swine, or goats, except those exempted from definition as a meat food product by the Administrator in specific cases or by the regulations in Part 317 of this subchapter, upon a determination that they contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry, and provided that they comply with any requirements that are imposed in such cases or regulations as conditions of such exemptions to assure that the meat or other portions of such carcasses contained in such articles are not adulterated and that such articles are not represented as meat food products. This term, as applied to food products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

(vv) *Misbranded.* This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If its labeling is false or misleading in any particular;

(2) If it is offered for sale under the name of another food;

(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed, or filled as to be misleading;

(5) If in a package or other container unless it bears a label showing:

(i) The name and place of business of the manufacturer, packer, or distributor; and

(ii) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in Part 317 of this subchapter with respect to the quantity of contents;

(6) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by the regulations in Part 319 of this subchapter unless:

(i) It conforms to such definition and standard, and

(ii) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food;

(8) If it purports to be or is represented as a food for which a standard or standards of fill of container

have been prescribed by the regulations in Part 319 of this subchapter, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(9) If it is not subject to the provisions of paragraph (vv)(7)(ii) of this section unless its label bears:

(i) The common or usual name of the food, if any there be, and

(ii) In case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, except as otherwise provided in Part 317 of this subchapter;

(10) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as is required by the regulations in Part 317 of this subchapter.

(11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided by the regulations in Part 317 of this subchapter; or

(12) If it fails to bear, directly thereon or on its containers, when required by the regulations in Part 316 or 317 of this subchapter, the inspection legend and, unrestricted by any of the foregoing, such other information as the Administrator may require in such regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(ww) *Nonfood compound.* Any substance proposed for use in official establishments, the intended use of which will not result, directly or indirectly, in the substance becoming a component or otherwise affecting the characteristics of meat food and meat products, excluding labeling and packaging materials as covered in Part 317 of the subchapter.

(xx) *Official certificate.* Any certificate prescribed by the regulations in this subchapter for issuance by an inspector or other person performing official functions under the Act.

(yy) *Official device.* Any device prescribed by the regulations in Part 312 of this subchapter for use in applying any official mark.

(zz) *Official establishment.* Any slaughtering, cutting, boning, meat canning, curing, smoking, salting, packing, rendering, or similar establishment at which inspection is maintained under the regulations in this subchapter.

(aaa) *Official import inspection establishment.* This term means any establishment, other than an official establishment as defined in paragraph (zz) of this section, where inspections are authorized to be conducted as prescribed in § 327.6 of this subchapter.

(bbb) *Official inspection legend.* Any symbol prescribed by the regulations in this subchapter showing that an article was inspected and passed in accordance with the Act.

(ccc) *Official mark.* The official inspection legend or any other symbol prescribed by the regulations in this subchapter to identify the status of any article or animal under the Act.

(ddd) *Packaging material.* Any cloth, paper, plastic, metal, or other material used to form a container, wrapper, label, or cover for meat products.

(eee) *Person.* Any individual, firm, or corporation.

(fff) *Pesticide chemical, food additive, color additive, raw agricultural commodity.* These terms shall have the same meanings for purposes of the Act and the regulations in this subchapter as under the Federal Food, Drug, and Cosmetic Act.

(ggg) *Prepared.* Slaughtered, canned, salted, rendered, boned, cut up, or otherwise manufactured or processed.

(hhh) *Product.* Any carcass, meat, meat byproduct, or meat food product, capable of use as human food.

(iii) *Program.* The organizational unit within the Department having the responsibility for carrying out the provisions of the Act.

(jjj) *Program employee.* Any inspector or other individual employed by the Department or any cooperating agency who is authorized by the Secretary to do any work or perform any duty in connection with the Program.

(kkk) *Regional Director.* The official [1] in charge of the program within each of the following regions:

Northeastern Region—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia (except for Northwestern part).

Southeastern Region—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia (Northwestern), West Virginia, Puerto Rico, and the Virgin Islands.

North Central Region—Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin.

Southwestern Region—Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

Western Region—Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming, American Samoa, Guam, and the Northern Mariana Islands.

(lll) *Renderer.* Any person engaged in the business of rendering carcasses or parts or products of the carcasses of any livestock except rendering conducted under inspection or exemption under Title I of the Act.

(mmm) *Secretary.* The Secretary of Agriculture of the United States or his/her delegate.

(nnn) *Shipping container.* The outside container (box, bag, barrel, crate, or other receptacle or covering) containing or wholly or partly enclosing any product packed in one or more immediate containers.

(ooo) *State.* Any State of the United States or the Commonwealth of Puerto Rico.

(ppp) *Supervision.* The controls, as prescribed in instructions to Program employees, to be exercised by them over particular operations to insure that such operations are conducted in compliance with the Act and the regulations in this subchapter.

(qqq) *Surgical anesthesia.* A state of unconsciousness measured in conformity with accepted surgical practices.

(rrr) *Territory.* Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States, excluding the Canal Zone.

(sss) *U.S. Condemned.* This term means that the livestock so identified has been inspected and found to be in a dying condition, or to be affected with any other condition or disease that would require condemnation of its carcass.

(ttt) *U.S. Inspected and Condemned (or any authorized abbreviation thereof).* This term means that the carcass, viscera, other part of carcass, or other product so identified has been inspected, found to be adulterated, and condemned under the regulations in this subchapter.

(uuu) *U.S. Passed for Cooking.* This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be cooked or rendered as prescribed

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[1] The addresses of the Regional Directors are as follows:

Northeastern Region—Seventh Floor, 1421 Cherry Street, Philadelphia, PA 19102.

Southeastern Region—Room 299 South, 1718 Peachtree Street, NW., Atlanta, GA 30309.

North Central Region—607 East Second Street, Des Moines, IA 50309.

Southwestern Region—Room 5–F41, 1100 Commerce Street, Dallas, TX 75201.

Western Region—Room 620 Central Avenue, Building 2C, Alameda, CA 94501.

by the regulations in Part 315 of this chapter.

(vvv) *U.S. Passed for Refrigeration.* This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be refrigerated or otherwise handled as prescribed by the regulations in Part 311 of this subchapter.

(www) *U.S. Retained.* This term means that the carcass, viscera, other part of carcass, or other product, or article so identified is held for further examination by an inspector to determine its disposal.

(xxx) *U.S. Suspect.* This term means that the livestock so identified is suspected of being affected with a disease or condition which may require its condemnation, in whole or in part, when slaughtered, and is subject to further examination by an inspector to determine its disposal.

(yyy) *United States.* The States, the District of Columbia, and the Territories of the United States.

PART 304—APPLICATION FOR INSPECTION; GRANT OR REFUSAL OF INSPECTION

2. The authority citation for Part 304 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

§ 304.1 [Amended]

3. Section 304.1(b) is amended by removing "§ 301.2(iii)" and inserting in its place "§ 301.2(kkk)".

PART 305—OFFICIAL NUMBERS; INAUGURATION OF INSPECTION; WITHDRAWAL OF INSPECTION; REPORTS OF VIOLATION

4. The authority citation for Part 305 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 466–466k.

§ 305.5 [Amended]

5. Section 305.5(c) is amended by removing "§ 301.2(ooo) (9 CFR 301.2(ooo))" and inserting in its place "§ 301.2(kk) (9 CFR 301.2(kk)."

PART 313—HUMANE SLAUGHTER OF LIVESTOCK

6. The authority citation for Part 313 continues to read as follows:

Authority: 92 Stat. 1069, 72 Stat. 862, 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 91, 438; 21 U.S.C. 71 *et seq.*; 601 *et seq.*; 7 U.S.C. 1901–1906.

§ 313.1 [Amended]

7. Section 313.1(c) is amended by removing "§ 301.2(gg)" and "§ 301.2(ccc)" and replacing with "§ 301.2(xxx)" and "§ 301.2(y)", respectively.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

8. The authority citation for Part 318 continues to read as follows:

Authority: 34 Stat. 1260 as amended, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*), 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*), 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

Subpart G—Canning and Canned Products

§ 318.308 [Amended]

9. Section 318.308(d)(vi)(*a*(*1*) is amended by removing "§ 301.2(ee)" and inserting in its place "§ 301.2(ttt)".

PART 327—IMPORTED PRODUCTS

10. The authority citation for Part 327 continues to read as follows:

Authority: 38 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*

§ 327.5 [Amended]

11. Section 327.5(a) is amended by removing "§ 301.2(yyy)" and inserting in its place "§ 301.2(hh).".

The amendments are not substantive changes and do not affect any member of the public. Therefore, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that public participation in this rulemaking procedure is impracticable and unnecessary, and good cause is found for making the amendments effective less than 30 days after publication in the **Federal Register.**

Done at Washington, DC, on: November 16, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88–28321 Filed 12–9–88; 8:45 am]

BILLING CODE 3410-DM-M

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9 CFR Parts 317 and 318

[Docket No. 85–030F]

Ascorbic Acid, Erythorbic Acid, Citric Acid, Sodium Ascorbate, and Sodium Citrate in Fresh Pork Cuts

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; confirmation of interim rule.

SUMMARY: On August 22, 1986, FSIS published an interim final rule (51 FR 30052) (corrected on September 22, 1986, at 51 FR 33565) amending the Federal meat inspection regulations to permit the use of ascorbic acid, erythorbic acid, citric acid, sodium ascorbate, and sodium citrate, singly or in combination, to maintain the color of fresh pork cuts. Fresh pork cuts which have been treated to maintain color by the addition of these substances are required to be labeled with a qualifying phrase, contiguous to the product name, which indicates that they have been treated to maintain color. The Administrator of FSIS determined that the Agency had sufficient information and data to satisfy the requirements for amending the regulations. However, an interim rule was published to permit public comments because of the novelty of the new use of these substances, and to allow additional time for the Agency to assess data under actual market conditions before confirming the interim rule. FSIS has determined the interim rule should be made final.

EFFECTIVE DATE: January 11, 1989.

FOR FURTHER INFORMATION CONTACT: Ashland L. Clemons, Acting Director, Standards and Labeling Division, Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250; Area Code (202) 447–6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Administrator has determined that this final rule is not a "major rule" within the scope of E.O. 12291. It will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule affirms the discretionary use of ascorbic acid, erythorbic acid, citric acid, sodium ascorbate, and sodium citrate, singly or in combination, to maintain the color of fresh pork cuts.

Effect on Small Entities

The Administrator certifies that this final rule will not have a significant economic impact on a substantial

number of small entities as defined by the Regulatory Flexibility Act (5 U.S.C. 601 through 612).

This final rule will impose no new requirements on industry. This rule affirms FSIS approval for the meat industry to use a new method of color preservation to help maintain the fresh appearance of fresh pork cuts. Costs should be incidental and would be offset by distribution efficiencies and reduction of losses due to color deterioration of fresh pork cuts.

Background

FSIS was petitioned [1] by Wilson Foods Corporation to permit the addition of ascorbic acid, erythorbic acid, citric acid, sodium ascorbate, and sodium citrate, in conjunction with phosphates, to fresh port cuts packaged in a controlled atmosphere of carbon dioxide, oxygen and nitrogen in order to maintain the fresh appearance of such meat. This treatment was claimed to result in the extension of a fresh color and appearance during the product's microbiological shelf life.

Fresh pork which is packaged and stored at low temperatures will remain safe and wholesome for 30 days or more. During storage, however, pork color changes and the product loses its appeal and marketability while still safe and wholesome. These color changes detract from the appearance of the product.

The petitioner presented data demonstrating that the addition of the above mentioned substances resulted in extension of the color and appearance of fresh pork cuts for a period of time less than or equal to the microbiological shelf life of fresh port cuts.

The Administrator of FSIS found that information provided by the petitioner and other data available to the Agency disclosed that (1) the use of these substances is functional and suitable for the product, (2) the substances would be used at the lowest level necessary to accomplish their intended technical effect, and (3) the use of these substances will not render the product on which they are used, adulterated, misbranded, or otherwise not in accordance with the requirements of the Act provided treatment occurs only under an approved partial quality control (PQC) program monitored by FSIS. The Agency published an interim final rule (51 FR 30052) amending the Federal meat inspection regulations to permit the use of ascorbic acid, citric acid, erythorbic acid, sodium ascorbate and sodium citrate, singly or in combination, to maintain the color of fresh pork cuts. However, public comments were solicited so that commercial experience could be obtained and considered prior to confirmation of the rule as final.

The petitioner provided further data on consumer tests to determine the habits of consumers when purchasing fresh pork, as well as methods used by consumers to evaluate freshness and wholesomeness. Additionally, data were evaluated on typical duration of refrigerated and frozen storage by consumers. These data indicated that product color was the first test for wholesomeness, but that consumers also used odor and flavor as indicators. It was determined that consumers typically prepare or freeze fresh meat within the first three days of refrigerated storage.

Webb Foodlab, Inc., conducted an independent study for FSIS, which corroborated data provided by the petitioner. The study evaluated the treatment under commercial and retail conditions rather than laboratory conditions and included sensory analysis, microbiological evaluation and chemical analysis. Samples of treated pork were obtained from retail stores in two cities. Retail storage conditions were maintained throughout the study. Analyses were performed on samples which were fresh, three days old and seven days old.

For the sensory analysis, samples were evaluated by ten panelists trained to focus on color as the sole criterion of freshness. The samples were rated as to whether the panelist would purchase the pork chops. The samples were then rated in categories of color, odor, cooked odor, flavor and off flavor.

The microbiological evaluation involved several tests including aerobic plate count, *Salmonella, Listeria,* and the Mugg test (PTG agar plate) for total Enterobacteriaceae and *E. Coli.* The chemical tests included analysis of rancidity (thiobarbituric acid (TBA) content), ascorbic acid content, and pH.

Following the sensory, microbiological, and chemical analyses, the study concluded that if pork chops treated with ascorbic acid, erythorbic acid, citric acid, sodium ascorbate, and sodium citrate are handled in the same manner as untreated fresh pork cuts regarding both retail storage and domestic usage, the appearance of a spoiled or unwholesome product would not be enhanced to the extent that it might be purchased and eaten by the consumer who relied on the appearance of the product.

Comments Received on Interim Rule

A total of 88 comments was received in response to the interim final rule. There were 65 from consumers, 9 from university professors, 7 from trade associations, 2 from meat processors, 2 from chemical manufacturers, 2 from supermarket chains and 1 from a consultant to the meat industry. Thirty-nine of the comments supported the rule, and 49 of the comments opposed the rule. Three of those comments in opposition were signed by 41 additional people for a total of 90 who opposed the rule.

All of the 18 consumers supporting the rule believed this would enable consumers to have a wider variety of products available, with better quality and longer shelf life.

The consultant, supermarket chains, chemical manufacturers, meat processors, trade associations and 7 of the 9 university professors supported the rule. Many of the comments from these groups stressed the need for controls to ensure that proper amounts of the color maintenance additives are utilized and excessive amounts are not added.

The Agency agrees that controls are necessary to assure proper use of these substances. Therefore, when processors request to apply the above mentioned substances to fresh pork cuts, they will be required to apply for an approved Partial Quality Control (PQC) program pursuant to 9 CFR 318.4(d) and, if approved, to follow that program. Processing will not be permitted, nor will labeled products be permitted to be distributed in commerce until such PQC programs are evaluated and approved according to the requirements set forth in 9 CFR 318.4(e). This will ensure that the substances will not be applied in excessive amounts and that color maintenance will not exceed microbiological shelf life. All such PQC programs must cover certain critical control points, including but not necessarily limited to:

(1) Condition of meat before treatment (must be fresh or previously frozen meat maintained in a wholesome conditions as evidenced by time and temperature records from the point of slaughter),

(2) Solution formulation control,

(3) Single application control,

(4) Finished product ingredient analysis monitoring,

(5) Integrity of packaging during storage, transportation, and distribution, and

(6) Further processing control (ascorbate treated cuts may not be further processed into fresh, ground pork products).

[1] Petition submitted on April 22, 1985, by Wilson Foods Corporation.

The chemical manufacturers and 1 meat processor commented that the list of acceptable substances should be expanded to include sodium erythorbate. This would not comply with the procedures stipulated in 9 CFR 318.7(a)(2) for the approval of food additives and therefore cannot be included in this final rulemaking.

Two of the university professors expressed concern that treatment of fresh pork cuts at the permitted levels would result in color maintenance exceeding the microbiological shelf life. They suggested that further studies be conducted to ensure that this would not occur at the permitted levels. These studies have been conducted, as described above, and it was found that the use of ascorbic acid, erythorbic acid, citric acid, sodium ascorbate, and sodium citrate does not mask unwholesomeness. These results support issuance of a final rule.

The consumer comments opposing the rule were generally based on the objection to meat additives. Many felt that such additives were unnecessary and deceptive in nature. Six of the commenters strongly objected to use of these substances because of allergic reactions to them. The Agency permits an additive only if "its use is functional and suitable for the product and it is permitted for use at the lowest level necessary to accomplish the stated technical effect as determined in specific cases" (9 CFR 318.7(a)(2). Data show that the use of ascorbic acid, erythorbic acid, citric acid, sodium ascorbate, and sodium citrate on fresh pork cuts does provide the useful function of maintaining product color and that the additive levels permitted by this final rule are the lowest levels that will achieve this function. Further, a label declaration regarding the use of these substances and a listing of the substances in the ingredient statement is required. Consumers can readily avoid buying these products. The requirement to prominently disclose the presence and purpose of the additives, by use of a qualifying statement adjacent to the product name, was endorsed by many commenters.

One commenter objected to use of the term "fresh" when labeling pork cuts that had been treated with a preservative. The Agency believes consumers understand the word "fresh" to indicate a meat product has not been cured (9 CFR 317.8(b)(6)). Although the product for which these substances have been approved is "fresh pork cuts," from the time of application, the product is no longer "fresh" as defined in the regulations. As such, the Agency will not permit use of the term "fresh" to be included as part of the name of pork cuts that have been treated with these substances.

Several commenters suggested that the use of color maintainers be extended to fresh meat cuts of other species. The Agency will consider the use of these substances on meat from other species at such time that data is submitted to FSIS to demonstrate efficacy and the lowest use levels necessary to achieve the intended technical effect.

Provisions of the Final Rule

Pork cuts treated with ascorbic acid, erythorbic acid, citric acid, sodium ascorbate, and sodium citrate that were used to provide data supporting the petition were packaged in a controlled atmosphere of carbon dioxide, oxygen and nitrogen. Packing gases are already permitted for use and are not a part of this rule.

The intended technical effect of the ascorbic acid, erythorbic acid and sodium ascorbate is to serve as antioxidants. The amount of these substances required to achieve the intended technical effect is between 250 and 500 parts per million (ppm), or up to 1.8 milligrams per square inch of surface area collectively. This rule provides for use of these substances at levels not to exceed either 500 ppm or 1.8 milligrams per square inch of surface, singly or in combination. Neither of these levels may be exceeded.

The intended technical effect of the citric acid and sodium citrate is to serve as sequestrants. Sequestrants are "substances which combine with polyvalent metal ions to form a soluble metal complex, to improve the quality and stability of products" (21 CFR 170.3 (o)(26)). The amount of these substances required to achieve the intended technical effect is 250 ppm or 0.9 milligrams per square inch of surface area collectively. This rule provides for use of these substances at levels not to exceed either 250 ppm or 0.9 milligrams per square inch of surface, singly or in combination. Neither of these levels may be exceeded.

Fresh pork cuts which are treated with these substances to maintain the color during distribution will be required to be labeled with a statement identifying each specific approved substance by its common or usual name and the purpose for which it is added, such as "sprayed with a solution of water, ascorbic acid and citric acid to maintain color." This phrase must be contiguous to the product name and must be in the same style of print no smaller than one fourth the size of the print in the product name. The requirement of the presence of the qualifying statement is consistent with established regulatory standards when other preservatives, such as antioxidants or mold inhibitors, are added to meat food product (9 CFR 317.2(j)(10) and 317.8(b) (27) and (28)).

The substances addressed in this rulemaking are generally recognized as safe (GRAS) as direct human food ingredients by the Food and Drug Administration, when used in accordance with good manufacturing practice. Ascorbic acid is listed as a chemical preservative in 21 CFR 182.3013, erythorbic acid is listed as a chemical preservative in 21 CFR 182.3041, citric acid is listed as a sequestrant in 21 CFR 182.6033, sodium ascorbate is listed as a chemical preservative in 21 CFR 182.3731, and sodium citrate is listed as a sequestrant in 21 CFR 182.6751.

Based on all of the information and data available to the Agency, the Administrator reaffirms his findings that (1) the use of these substances is functional and suitable for the product, (2) the substances would be used at the lowest level necessary to accomplish their intended technical effect, and (3) the use of these substances will not render the product on which they are used adulterated, misbranded, or otherwise not in accordance with the requirements of the Act provided treatment occurs only under an approved partial quality control (PQC) program monitored by FSIS, as indicated above.

Therefore, FSIS is confirming the interim rule published on August 22, 1986, (51 FR 30052) which (1) amended the table of approved substances in 9 CFR 318.7(c)(4) to include the use of ascorbic acid, erythorbic acid, citric acid, sodium ascorbate and sodium citrate, singly or in combination, as color maintainers for fresh pork cuts and (2) required descriptive labeling of fresh pork products to which ascorbic acid, erythorbic acid, citric acid, sodium ascorbate and sodium citrate, singly or in combination, are added to maintain color.

List of Subjects in 9 CFR Parts 317 and 318

Food labeling, Food additives, Meat inspection.

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

1. The authority citation for Part 317 continues to read as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 *et seq.*, 601 *et seq.*, 33 U.S.C. 1254.

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

2. The authority citation for Part 318 continues to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*), 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*), 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

§§ 317.8 and 318.7 [Amended]

Accordingly, FSIS is adopting as a final rule, without change, the interim rule that amended §§ 317.8(b)(37) and 318.7(c)(4), that was published on August 22, 1986, at 51 FR 30052.

Done at Washington, DC, on November 17, 1988.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 88-28584 Filed 12-9-88; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 23

[Docket No. 057CE, Special Condition No. 23-ACE-42]

Special Conditions; Gyroflug Model SC-01 Speed Canard

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued to Gyroflug Ingenieurgesellschaft mbH to become part of the type certification basis for the Model SC-01 Speed Canard airplane. The airplane will have novel or unusual design features related to the aerodynamic configuration of the airplane, the location of the engine and propeller, and the use of composite materials for primary flight structure, which were not envisaged in the applicable airworthiness standards and for which the regulations do not contain adequate or appropriate airworthiness standards. These special conditions contain the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that provided by the applicable airworthiness standards.

EFFECTIVE DATE: January 11, 1989.

FOR FURTHER INFORMATION CONTACT: Bobby W. Sexton, Aerospace Engineer, Standards Office (ACE-110), Small Airplane Directorate, Aircraft Certification Service, Central Region, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 426-5688.

SUPPLEMENTARY INFORMATION:

Type Certification Basis

The type certification basis for the Gyroflug Model SC-01 airplane is as follows: Part 21 of the Federal Aviation Regulations (FAR), § 21.29; Part 23 of the FAR, effective January 9, 1965, including amendments 23-1 through 23-25; Part 36 of the FAR, effective December 1, 1969, as amended by amendments 36-1 through the amendment effective on the date of type certification; exemptions, if any; and the special conditions adopted by this rulemaking.

Background

On January 27, 1984, Gyroflug Ingenieurgesellschaft mbH, Flughafen, 7570 Baden-Baden Oos, West Germany, filed an application to the FAA Brussel's Office for U.S. type certification for its Model SC-01 Speed Canard airplane. The Gyroflug Model SC-01 is a small, two-place, composite structure, canard configuration airplane with a pusher propulsion system. It is powered by a 116-horsepower Avco Lycoming 0-235-P2A reciprocating engine and the airplane has a maxium takeoff weight of 1,500 pounds. The airplane received German type certification on September 30, 1983.

Special conditions may be issued and amended, as necessary, as part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49, after public notice as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis, as provided by § 21.17(a)(2).

The proposed type design of the Model SC-01 airplane contains a number of novel or unusual design features not envisaged by the applicable Part 23 airworthiness standards. Special conditions are considered necessary because the airworthiness standards of Part 23 do not contain adequate or appropriate safety standards for the novel or unusual design features of the Model SC-01 airplane.

A Notice of Proposed Special Conditions, Notice No. 23-ACE-42, was published in the **Federal Register** on June 7, 1988 (53 FR 20860). No comments were received.

Federalism Implications

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 14 CFR Parts 21 and 23

Aircraft, Air transportation, Aviation safety, Safety.

PARTS 21 AND 23—[AMENDED]

The authority citation for these special conditions is as follows:

Authority: Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958; as amended (49 U.S.C. 1354(a), 1421, and 1423); 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 21.16 and 21.17; and 14 CFR 11.28 and 11.29(b).

Adoption of the Special Conditions

In consideration of the foregoing, the following special conditions are issued as a part of the type certification basis for the Gyroflug Model SC-01 series airplanes:

1. Evaluation of Composite Structure.

In lieu of complying with § 23.572, and in addition to the requirements of §§ 23.603 and 23.613, airframe structure, the failure of which would result in catastrophic loss of the airplane, in each wing, wing carry-through, wing attaching structure, fuselage, wing mounted vertical stabilizer, wing flap, and moveable control surfaces must be evaluated to damage tolerance criteria prescribed in paragraphs (a) through (i) of this special condition, unless shown to be impractical. In cases shown to be impractical, the aforementioned structure must be evaluated in accordance with the criteria of paragraphs (a) and (j) of this special condition. Where bonded joints are used, the structure must also be evaluated in accordance with the residual strength criteria in paragraph (g) of this special condition.

(a) It must be demonstrated by tests, or by analysis supported by tests, that the structure is capable of carrying ultimate load with impact damage. The level of impact damage considered need not be more than the established

threshold of detectability considering the inspection procedures employed.

(b) The growth rate of damage that may occur from fatigue, corrosion, intrinsic defects, manufacturing defects; e.g., bond defects, or damage from discrete sources under repeated loads expected in service; i.e., between the time at which damage becomes initially detectable and the time at which the extent of damage reaches the value selected by the applicant for residual strength demonstration, must be established by tests or by analysis supported by tests.

(c) The damage growth, between initial detectability and the value selected for residual strength demonstrations, factored to obtain inspection intervals, must permit development of an inspection program suitable for application by operation and maintenance personnel.

(d) Instructions for continued airworthiness for the airframe must be established consistent with the results of the damage tolerance evaluations. Inspection intervals must be set so that after the damage initially becomes detectable by the inspection method specified, the damage will be detected before it exceeds the extent of damage for which residual strength is demonstrated.

(e) Loads spectra, load truncation, and the locations and types of damage considered in the damage tolerance evaluations must be documented in test proposals.

(f) Each wing, fuselage, wing carry-through, wing attaching structure, wing flap, moveable control surface, and wing-mounted vertical stabilizer structure must be shown by residual strength tests, or analysis supported by residual strength tests, to be able to withstand critical limit flight loads, considered as ultimate loads, with the extent of damage consistent with the results of the damage tolerance evaluations.

(g) In lieu of a non-destructive inspection technique which assures ultimate strength of each bonded joint, the limit load capacity of each bonded joint critical to safe flight must be substantiated by either of the following methods used singly or in combination:

(1) The maximum disbonds of each bonded joint consistent with the capability to withstand the loads in paragraphs (f) and (g) of this special condition must be determined by analysis, tests, or both. Disbonds of each bonded joint greater than this must be prevented by design features.

(2) Proof testing must be conducted on each production article which will apply the critical limit design load to each critical bonded joint.

(h) The effects of material variability and environmental conditions; e.g., exposure to temperature, humidity, erosion, ultraviolet radiation, and/or chemicals, on the strength and durability properties of the composite materials must be accounted for in the damage tolerance evaluations and in the residual strength tests.

(i) The airplane must be shown by analysis to be free from flutter to V_D with the extent of damage for which residual strength is demonstrated.

(j) For those structures where the damage tolerance method is shown to be impractical, the strength of such structures must be demonstrated by tests, or analysis supported by tests, to be able to withstand the repeated loads of variable magnitude expected in service. Impact damage in composite material components which may occur must be considered in the demonstration. The impact damage level considered must be consistent with detectability by the inspection procedures employed.

2. Loads

(a) In addition to the requirements of § 23.301, paragraph (b), the following shall be required: Methods used to determine load intensities and distribution over the various aerodynamic lifting and control surfaces must be validated by flight test measurements unless the methods used for determining those loads are shown to be reliable or conservative for the configuration under consideration.

(b) In lieu of § 23.301, paragraph (d), the following applies: The forward lifting surface of a canard or tandem wing configuration must meet all of the requirements of Part 23, Subpart C—Structure, applicable to a wing.

(c) In lieu of § 23.331, the following apply:

(1) The appropriate balancing loads must be accounted for in a rational or conservative manner when determining forward and main wing loads and linear inertia loads corresponding to any of the symmetrical flight conditions specified in §§ 23.333 through 23.341.

(2) The incremental forward wing loads due to maneuvering and gusts must be reacted by the angular inertia of the airplane in a rational or consevative manner.

(3) Mutual influence of the aerodynamic surfaces must be taken into account when determining flight loads.

(d) In addition to the gust load requirements of § 23.341, the following applies: The gust loads for a canard or tandem wing configuration must be computed using a rational analysis considering the gust criteria of § 23.333(c), or may be computed in accordance with § 23.341 provided the resulting loads are shown to be conservative with respect to the gust criteria of § 23.333(c).

(e) In lieu of the balancing loads requirements of § 23.421, the following apply:

(1) A horizontal surface balancing load is a load necessary to maintain equilibrium in any specified flight condition with no pitching acceleration.

(2) Horizontal balancing surfaces must be designed for balancing loads occurring at any point on the limit maneuvering envelope and in the flap conditions specified in § 23.345. The distribution in figure B6 of Appendix B of Part 23 may be used only on aft-mounted horizontal stabilizing surfaces unless its use elsewhere is shown to be conservative.

(f) In lieu of the maneuvering load requirements of § 23.423, the following apply:

(1) Each horizontal surface with pitch control must be designed for maneuvering loads imposed by the following conditions:

(i) A sudden movement of the pitching control at V_A, to (1) the maximum aft movement, and (2) to the maximum forward movement, as limited by the control stops, or pilot effort, whichever is critical.

The average loading of B23.11 of Appendix B and the distribution in figure B7 of Appendix B may be used only on aft-mounted horizontal stabilizing surfaces unless its use elsewhere is shown to be conservative.

(ii) A sudden aft-movement of the pitching control at speeds above V_A, followed by a forward movement of the pitching control resulting in the following combinations of normal and angular acceleration:

Condition	Normal acceleration (n)	Angular acceleration (radian/sec.^{2})
Nose up pitching	1.0	$+\frac{39 n_m (n_m - 1.5)}{V}$
Nose down pitching	n_m	$-\frac{39 n_m (n_m - 1.5)}{V}$

where—

(a) n_m = positive limit maneuvering load factor used in the design of the airplane; and

(b) V = initial speed in knots.

(2) The conditions in this section involve loads corresponding to the loads that may occur in a "checked

maneuver", i.e., a maneuver in which the pitching control is suddenly displaced in one direction and then suddenly moved in the opposite direction. The deflection and timing of the "checked maneuver" must avoid exceeding the limit maneuvering load factor. The total horizontal surface load for both down-load and up-load conditions is the sum of the balancing loads at V and the specified value of the normal load factor, n, plus the maneuvering load increment due to the specified value of the angular acceleration. The maneuvering load increment in figure B2 of Appendix B and the distribution in figure B7 for nose-up pitching and in figure B8 for nose-down pitching of Appendix B may be used only on airplane configurations with aft-mounted surfaces unless their use elsewhere is shown to be conservative.

(g) In lieu of the gust loads requirements of § 23.425, the following apply:

(1) Each horizontal surface, other than the main wing, must be designed for loads resulting from—

(i) Gust criteria specified in § 23.333(c) with the flaps retracted; and

(ii) Positive and negative gusts of 25 feet per second (f.p.s.) nominal intensity at V_F corresponding to the flight conditions specified in § 23.345(a)(2).

(2) When determining the total load on the horizontal surfaces for the conditions specified in paragraph (g)(1) of this special condition, the initial balancing loads for steady unaccelerated flight at the pertinent design speeds, V_F, V_C, V_D must first be determined. The incremental load resulting from the gusts must be added to the initial balancing load to obtain total load.

(h) In lieu of the unsymmetrical load requirements of § 23.427, the following apply:

(1) Horizontal surfaces, other than the main wing, and their supporting structure must be designed for unsymmetrical loads arising from yawing and slipstream effects, in combination with the loads prescribed for the flight conditions set forth in paragraphs (e) through (g) of this special condition.

(2) In the absence of more rational data:

(i) 100 percent of the maximum loading from the symmetrical flight conditions may be assumed on the surface on one side of the plane of symmetry; and

(ii) The following percentage of that loading must be applied to the opposite side:

Percent = 100 − 10(n−1), where n is the specified positive maneuvering load factor, but this value may not be more than 80 percent.

(3) The vertical and horizontal surfaces and their supporting structures must be designed for combined vertical and horizontal surface loads resulting from each prescribed flight condition taken separately.

(i) In the absence of specific requirements for wing mounted vertical stabilizers, the following apply: Vertical stabilizers mounted on the wing must meet the applicable requirements of §§ 23.441, 23.443, and, in lieu of a more rational method, § 23.445 for vertical tail surfaces. The effect of these surfaces on the spanwise loading of the wing must also be accounted for.

3. Propeller Ground Clearance

In addition to the propeller clearance requirements of § 23.925, the following apply:

(a) The airplane must be designed such that the propeller will not contact the runway surface when the airplane is in the maximum pitch attitude attainable during normal takeoffs and landings; and

(b) If a tail wheel, bumper, or an energy absorption device is provided to show compliance with paragraph (a) of this special condition, the following apply:

(1) Suitable design loads must be established for the tail wheel, bumper, or energy absorption device; and

(2) The supporting structure of the tail wheel, bumper, or energy absorption device must be designed to withstand the loads established in paragraph (b)(1) of this special condition and inspection/replacement criteria must be established for the tail wheel, bumper, or energy absorbing device and provided as a part of the information required by § 23.1529.

4. Propeller Marking

In the absence of specific regulations, the propeller must be marked so that the disc is conspicuous under normal daylight ground conditions.

Issued in Kansas City, Missouri, on November 16, 1988.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 88-28429 Filed 12-9-88; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-ASW-50; Amdt. 39-6090]

Airworthiness Directives; Sikorsky Model S-58 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires repetitive inspections and replacement, as necessary, of pylon and tail cone fittings on Sikorsky S-58 helicopters. The amendment provides for optional alternate methods of compliance which could result in reduced maintenance impacts and the elimination of unnecessary operational costs.

DATES:

Effective Date: December 27, 1988.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Sikorsky Aircraft, 6900 Main Street, Stratford, Connecticut 06601-1381, or may be examined in the Rules Docket, Office of the Assistant Chief Counsel, FAA, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Mathias, FAA, Rotorcraft Standards Staff, Forth Worth, Texas 76193-0111, telephone (817) 624-5123.

SUPPLEMENTARY INFORMATION: This amendment amends Amendment 674 (29 FR 559; January 21, 1965), AD 64-02-06, which currently requires repetitive inspections and replacement, as necessary, of pylon and tail cone fittings on Sikorsky Model S-58 series helicopters. After issuing Amendment 674, the FAA has determined that the AD should be revised to include provisions for the issuance of special flight permits and alternate means of compliance, when appropriate for this helicopter series.

Since this amendment provides a clarification only, allows an alternate means of compliance which is optional, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is

determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is clarifying in nature and imposes no additional regulatory or economic burden on any person. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By amending Amendment 674 (29 FR 559), AD 64–02–06, by adding paragraphs (c) and (d) as follows:

Sikorsky Aircraft: Applies to all Sikorsky Model S–58 series helicopters.

Compliance is required as indicated unless already accomplished.

* * * * *

(c) Upon request, an alternate means of compliance which provides an equivalent level of safety with the requirement of this AD may be used when approved by the Manager, Rotorcraft Standards Staff, Rotorcraft Directorate, Aircraft Certification Service, ASW–110, FAA, Forth Worth, Texas 76193–0110.

(d) In accordance with §§ 21.197 and 21.199, the helicopter may be flown to a base where compliance may be accomplished.

This amendment becomes effective December 27, 1988.

This amendment amends AD 64–02–06, Amendment 674 (29 FR 559; January 21, 1964).

Issued in Forth Worth, Texas, on December 1, 1988.

L.B. Andriesen,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 88–28430 Filed 12–9–88; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 87–ASW–30, Amdt. 39–6091]

Airworthiness Directives; Sikorsky Model S–76A/B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) which requires removal of electrical door locking actuators to prevent passenger door locks from jamming in the locked position on Sikorsky Model S–76A/B helicopters. This amendment allows those helicopters which have installed an electric door lock manual override retrofit kit to be exempt from further compliance with the AD.

EFFECTIVE DATE: January 11, 1989.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Sikorsky Aircraft, 6900 Main Street, Stratford, Connecticut 06601–1381.

A copy of the service bulletin is contained in the Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Terry Fahr, ANE–153, FAA, New England Region, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone number (617) 273–7103.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to amend Amendment 39–5754 (52 FR 43054; November 9, 1987), AD 87–23–07, was published in the **Federal Register** on August 12, 1988 (53 FR 30435). Amendment 39–5754 currently requires removal of Part Number (P/N) 22020256 electrical door locking actuators to prevent the passenger door locks from jamming in the locked position on Sikorsky Model S–76A/B helicopters. After issuing Amendment 39–5754, the FAA determined that Sikorsky has designed a manual override kit, P/N 76070–20097, which allows the door lock to be manually overridden if the electrical door lock jams in the locked position. Therefore, the FAA is amending Amendment 39–5754 to exempt those helicopters which have installed a manual override kit, P/N 76070–20097, from compliance with the AD. The noted electric door locks may only be used with a manual override.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received. Accordingly, the proposal is adopted without change.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessement.

The FAA has determined this amendment is relieving in nature and imposes no additional burden on any person. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA amends § 39.13 of Part 39 of the FAR as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983) and 14 CFR 11.89).

§ 39.13 [Amended]

2. By amending Amendment 39–5754 (52 FR 43054; November 9, 1987), AD 87–23–07, by revising the applicability paragraph to read as follows:

Sikorsky Aircraft Division: Applies to all Sikorsky Model S-76A/B helicopters, certificated in all categories, equipped with electrical door locking actuators installed in accordance with Sikorsky Drawing 76088-20016 using actuator P/N 22020256 in left and right passenger doors, except those helicopters which have installed a manual override kit, P/N 76070-20097. (Docket 87-ASW-30)

* * * * *

This amendment becomes effective January 11, 1989.

This amendment amends Amendment 39-5754 (52 FR 43054; November 9, 1987), AD 87-23-07.

Issued in Fort Worth, Texas, on December 1, 1988.

L.B. Andriesen,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 88-28431 Filed 12-9-88; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 201, 203, and 234

[Docket No. N-88-1894; FR-2591]

Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of revisions to FHA maximum mortgage limits for high-cost areas.

SUMMARY: This Notice is the annual complete listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act, and each such area's applicable limits. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices.

EFFECTIVE DATE: December 12, 1988.

FOR FURTHER INFORMATION CONTACT: For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Robert J. Coyle, Director, Title I Insurance Division, Room 9160; telephone (202) 755-6880; 451 Seventh Street, SW., Washington, DC 20410. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

The National Housing Act (NHA), 12 U.S.C. (1710 through 1749), authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

On May 22, 1984, the Department published a revised list of areas eligible for "high-cost" mortgage limits, which contained several new features. (See 49 FR 21520). First, there was no separate listing for condominium units, since these limits are now the same as those for other one-family residences. Second, the listing included instructions on how to compute the high-cost limits for combination manufactured homes and lots and individual lots, and specified the special high-cost amounts for manufactured homes and lots and individual lots insured in Alaska, Guam and Hawaii. And third, changes were made to the list based on a new definition of "Metropolitan area".

The last comprehensive list of high-cost areas was published on March 3, 1988 (53 FR 6922). Since then a number of areas have had increases to their mortgage limits published in the **Federal Register**. In addition, HUD in this Notice is adding a number of new high-cost areas and increasing the limits in some other areas previously listed.

This Document

In this document, the Department publishes its entire list of high-cost areas with applicable mortgage limits. This document incorporates the changes published on March 28, 1988 (53 FR 9869), April 12, 1988 (53 FR 11997), April 25, 1988 (53 FR 13405), June 1, 1988 (53 FR 19897), August 1, 1988 (53 FR 28872), September 20, 1988 (53 FR 36448) and December 2, 1988 (53 FR 48636).

In addition, this document adds to the list the following new high-cost areas, with applicable limits:

New Areas

Greeley, CO MSA
Panama City, FL MSA
Pensacola, FL MSA
Rockford, IL MSA
Fort Wayne, IN MSA
Wichita, KS MSA
Monroe, LA MSA
Salem-Gloucester, MA PMSA
Grand Rapids, MI MSA
Lincoln, NE MSA
Asheville, NC MSA
Fargo-Moorehead, ND-MN MSA
Akron, OH PMSA
Dayton-Springfield, OH PMSA
Lorain-Elyria, OH PMSA
Harrisburg-Lebanon-Carlisle, PA MSA
York, PA MSA
Chattanooga, TN-GA MSA
Clarksville-Hopkinsville, TN-KY MSA
Killeen-Temple, TX MSA
Texarkana, TX-ARK MSA
Wichita Falls, TX MSA
Provo-Orem, UT MSA
Huntington-Ashland, WV-KY-OH MSA
Parkersburg-Marietta, WV-OH MSA
Wheeling, WV-OH MSA
Green Bay, WI PMSA
Racine, WI PMSA
Clarke County, GA
Oconee County, GA
Hall County, GA
Granville County, NC
Merrimack County, NH

This document also revises the limits previously listed for the following areas:

Revised Limits

Birmingham, AL MSA
Mobile, AL MSA
Denver, CO MSA
Pueblo, CO MSA
Wilmington, DE-NJ-MD MSA
Bradenton, FL MSA
Fort Myers, FL MSA
Jacksonville, FL PMSA
Miami-Hialeah, FL MSA
Orlando, FL MSA
Sarasota, FL MSA
Tallahassee, FL MSA
Tampa-St. Petersburg-Clearwater, FL MSA
West Palm Beach-Boca Raton-Delray Beach, FL MSA
Atlanta, GA MSA
Aurora-Elgin, IL PMSA
Champaign-Urbana-Rantoul, IL MSA
Chicago, IL PMSA
Joliet, IL PMSA
Gary-Hammon, IN PMSA
Indianapolis, IN MSA
Des Moines, IA MSA
Waterloo-Cedar Falls, IA MSA
Lexington-Fayette, KY MSA
Alexandria, LA MSA
Shreveport, LA MSA
Baltimore, MD MSA
Detroit, MI PMSA
Rochester, MN MSA
St. Cloud, MN MSA
Reno, NV MSA
Atlantic City, NJ MSA
Trenton, NJ PMSA
Albany-Schenectany-Troy, NY MSA
Syracuse, NY MSA
Charlotte-Gastonia-Rock Hill, NC-SC MSA
Greensboro-Winston-Salem—High Point, NC MSA
Grand Forks, ND MSA
Cleveland, OH PMSA
Columbus, OH MSA
Allentown-Bethlehem, PA-NJ MSA
Lancaster, PA MSA
Philadelphia, PA PMSA
Pittsburgh, PA PMSA
Reading, PA MSA
Scranton-Wilkes-Barre, PA MSA
Greenville-Spartanburg, SC MSA
Knoxville, TN MSA

Memphis, TN-AR-MS MSA
Nashville, TN MSA
Austin, TX MSA
Corpus Christi, TX MSA
Dallas, TX PMSA
Forth Worth-Arlington, TX MSA
Galveston-Texas City, TX PMSA
Longview-Marshall, TX MSA
Lubbock, TX MSA
Midland, TX MSA
Waco, TX MSA
Norfolk-Virginia Beach-Newport News, MSA
Richmond-Petersburg, VA MSA
Roanoke, VA MSA
Tacoma, WA PMSA
Vancouver, WA PMSA
Yakima, WA MSA
Appleton-Oshkosh-Neenah, WI MSA
Milwaukee, WI PMSA
Lyon County, NV

These high-cost limits are effective December 12, 1988 and supersede other published amounts in effect, to the extent they are inconsistent with figures appearing in this document.

These amendments to the high-cost areas appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists each high-cost area, with applicable limits for single family residences (including condominiums) insured under section 203(b), 234(c) and 214 of the National Housing Act.

List of Subjects

24 CFR Part 201

Fire prevention, Health facilities, Historic preservation, Home improvement, Loan programs-housing and community development, Manufactured homes, Reporting and recordkeeping requirements.

24 CFR Part 203

Home improvement, Loan programs-housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 234

Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, the Department publishes the revised dollar limitations as follows:

National Housing Act High Cost Mortgage Limits

I. Title I: Method of Computing Limits

A. Section 2(b)(1)(D). Combination Manufactured Home and Lot (Excluding Alaska, Guam and Hawaii)

To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by .80. For example, Cumberland County, ME, has a one-family limit of $101,250. The combination home and lot loan limit for is $101,250 x .80, or $81,000.

B. Section 2(b)(1)(E): Lot Only (Excluding Alaska, Guam and Hawaii)

To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Cumberland County, ME, has a one-family limit of $101,250. The lot-only loan limit for Cumberland County, ME is $101,250 x .20, or $20,250.

C. Section 2(b)(2). Alaska, Guam and Hawaii Limits

The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: $56,700. (40,500 X 140%).

2. For combination manufactured homes and lots: 75,600. ($54,000 X 140%).

3. For lots only: $18,900. (13,500 X 140%).

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
REGION I				
HUD Field Office: Bangor Office				
Portland, ME MSA:				
Cumberland County	$101,250	$114,000	$138,000	$160,500
Lewiston-Auburn, ME MSA:				
Androscoggin County	$101,250	$114,000	$138,000	$160,500
Portsmouth-Dover-Rochester, NH-ME MSA:				
York County, ME	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Burlington Office				
Burlington, VT MSA:				
Chittenden County	$90,000	$101,300	$122,650	$142,650
Franklin County	$81,700	$92,000	$111,800	$129,000
Grand Isle County				
Washington County	$90,000	$101,300	$122,650	$142,650
Rutland County	$85,000	$95,750	$116,350	$134,250
Addiston County	$85,500	$96,300	$117,000	$135,000
HUD Field Office: Manchester Office				
Portsmouth-Dover-Rochester, NH-ME MSA:				
Rockingham County	$101,250	$114,000	$138,000	$160,500
Strafford County	$101,250	$114,000	$138,000	$160,500
Hillsborough County	$101,250	$114,000	$138,000	$160,500

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Merrimack County				
Cheshire County	$81,700	$92,000	$111,800	$129,000
HUD Field Office: Hartford Office				
State of Connecticut	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Boston Office				
State of Massachusetts	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Providence Office				
State of Rhode Island	$101,250	$114,000	$138,000	$160,500
REGION				
HUD Field Office: Caribbean Office				
San Juan, PR PMSA:				
Barceloneta Municipio	$93,050	$104,800	$127,300	$146,900
Bayamon Municipio				
Canovanas Municipio				
Carolina Municipio				
Catano Municipio				
Corozal Municipio				
Dorado Municipio				
Fajardo Municipio				
Florida Municipio				
Guaynabo Municipio				
Humacao Municipio				
Juncos Municipio				
Las Piedras Municipio				
Loiza Municipio				
Luquillo Municipio				
Manati Municipio				
Naranjito Municipio				
Rio Grande Municipio				
San Juan Municipio				
Toa Alta Municipio				
Toa Baja Municipio				
Trujillo Alto Municipio				
Vega Alta Municipio				
Vega Baja Municipio				
Caguas, PR PMSA:				
Aguas Buenas Municipio	$93,050	$104,800	$127,300	$146,900
Caguas Municipio				
Cayey Municipio				
Cidra Municipio				
Gurabo Municipio				
San Lorenzo Municipio				
Mayaguez, PR MSA:				
Anasco Municipio	$79,650	$89,700	$109,000	$125,800
Cabo Rojo Municipio				
Homigueros Municipio				
Mayaguez Municipio				
San German Municipio				
Ponce, PR MSA:				
Juana Diaz Municipio	$81,700	$92,000	$111,800	$129,000
Ponce Municipio				
Virgin Islands:				
St. Thomas	$90,000	$101,300	$122,650	$142,650
HUD Field Office: Albany Office				
Albany, NY MSA:				
Albany County	$101,250	$114,000	$138,000	$160,500
Saratoga County				
Schenectady County	$90,000	$101,300	$122,650	$142,650
Greene County	$85,550	$96,400	$117,100	$135,100
Montgomery County				
Rensselaer County				
Binghampton, NY MSA:				
Broome County	$73,150	$82,350	$100,100	$115,500
Tioga County				
Syracuse, NY MSA:				
Onondaga County	$84,350	$95,000	$115,400	$133,200

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Madison County	$83,600	$94,150	$114,400	$132,000
Oswego County				
Other Areas:				
Dutchess County	$101,250	$114,000	$138,000	$160,500
Warren County				
Ulster County	$90,000	$101,300	$122,650	$142,650
Tompkins County	$86,300	$97,200	$118,100	$136,250
HUD Field Office: New York Office				
New York, NY PMSA:				
Bronx County	$101,250	$114,000	$138,000	$160,500
Kings County				
New York County				
Putnam County				
Queens County				
Richmond County				
Rockland County				
Westchester County				
Nassau-Suffolk, NY PMSA:				
Nassau County	$101,250	$114,000	$138,000	$160,500
Suffolk County				
Orange County, NY PMSA:				
Orange County	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Newark Office				
Bergen-Passaic, NJ PMSA:				
Bergen County	$101,250	$144,000	$138,000	$160,500
Passaic County				
Jersey City, NJ PMSA:				
Hudson County	$101,250	$114,000	$138,000	$160,500
Middlesex-Somerset-Hunterdon, NJ PMSA:				
Hunterdon County	$101,250	$114,000	$138,000	$160,500
Middlesex County				
Somerset County				
Monmouth-Ocean, NJ PMSA:				
Monmouth County	$101,250	$114,000	$138,000	$160,500
Ocean County				
Newark, NJ PMSA:				
Essex County	$101,250	$114,000	$138,000	$160,500
Morris County				
Sussex County				
Union County				
Allentown-Bethlehem, PA-NJ MSA (part):				
Warren County, NJ	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Camden Office				
Atlantic City, NJ MSA:				
Atlantic County	$101,250	$114,000	$138,000	$160,500
Cape May County				
Monmouth-Ocean, NJ PMSA:				
Ocean County	$101,250	$114,000	$138,000	$160,500
Trenton, NJ PMSA:				
Mercer County	$101,250	$114,000	$138,000	$160,500
Wilmington, DE-NJ-MD PMSA (part):				
Salem County, NJ	$90,300	$101,700	$123,550	$142,550
Philadelphia, PA-NJ PMSA (part):				
Burlington County, NJ	$101,250	$114,000	$138,000	$160,500
Camden County, NJ				
Gloucester County, NJ				
HUD Field Office: Buffalo Office				
Rochester, NY MSA:				
Monroe County	$90,000	$101,300	$122,650	$142,650
Livingston County				
Ontario County				
Orleans County				
Wayne County				
Buffalo, NY PMSA:				
Erie County	$78,850	$88,800	$107,900	$124,500

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
REGION III				
HUD Field Office: Philadelphia Office				
Allentown/Bethleham, PA-NJ MSA (part):				
Carbon County	$101,250	$114,000	$138,000	$160.500
Lehigh County				
Northhampton County				
Lancaster, PA MSA:				
Lancaster County	$79,200	$89,200	$108,400	$125,100
Philadelphia, PA-NJ PMSA (part):				
Bucks County, PA	$101,250	$114,000	$138,000	$160,500
Chester County				
Delaware County				
Montgomery County				
Philadelphia County				
Reading, PA MSA:				
Berks County	$89,300	$100,600	$122,250	$141,050
Scranton-Wilkes-Barre, PA MSA:				
Columbia County	$81,200	$91,450	$111,150	$128,250
Lackawanna County				
Luzerne County				
Monroe County				
Wyoming County				
Harrisburg-Lebanon-Carlisle, PA MSA:				
Cumberland County	$74,100	$83,450	$101,400	$117,000
Dauphin County				
Lebanon County				
Perry County				
York, PA MSA:				
Adams County	$81,700	$92,000	$111,800	$129,000
York County				
HUD Field Office: Baltimore Office				
Washington, DC-MD-VA MSA (part):				
Charles County, MD	$101,250	$114,000	$138,000	$160,500
Calvert County, MD				
Frederick County, MD				
Baltimore, MD MSA:				
Baltimore City	$101,250	$114,000	$138,000	$160,500
Anne Arundel County				
Baltimore County				
Carroll County				
Harford County				
Howard County				
Queen Anne's County				
Wilmington, DE-NJ-MD PMSA (part):				
Cecil County, MD	$90,300	$101,700	$123,550	$142,550
Other Areas:				
Worcester County, MD	$71,250	$80,250	$97,500	$112,500
St. Mary's County, MD	$81,900	$92,200	$112,000	$129,300
Talbot County	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Washington, DC Office				
Washington, DC-MD-VA MSA (part):				
District of Columbia	$101,250	$114,000	$138,000	$160,500
Montgomery County, MD				
Prince Georges County, MD				
Alexandria City, VA				
Arlington County, VA				
Fairfax County, VA				
Falls Church City, VA				
Loudon County, VA				
Manassas City, VA				
Manassas Park City, VA				
Prince William County, VA				
HUD Field Office: Wilmington Office				
Wilmington, DE-NJ-MD PMSA (part):				
New Castle County, DE	$90,300	$101,700	$123,550	$142,550

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD Field Office: Pittsburgh Office				
Pittsburgh, PA PMSA:				
Allegheny County	$72,200	$81,300	$98,800	$114,000
Fayette County				
Washington County				
Westmoreland County				
HUD Field Office: Richmond Office				
Washington, DC-MD-VA MASA (part:)				
Stafford County, VA	$101,250	$114,000	$138,000	$160,500
Richmond-Petersburg, VA MSA:				
Charles City County	$90,250	$101,650	$123,500	$142,500
Chesterfield County				
Colonial Heights City				
Dinwiddie County				
Goochland County				
Hanover County				
Henrico County				
Hopewell City				
New Kent County				
Petersburg City				
Powhatan County				
Prince George County				
Richmond City				
Norfolk-VA Beach-Newport News, VA MSA:				
Chesapeake City	$101,250	$114,000	$138,000	$160,500
Gloucester County				
Hampton City				
James City County				
Newport News City				
Norfolk City				
Poquoson City				
Portsmoth City				
Suffolk City				
Virginia Beach City				
Williamsburg City				
Roanoke, VA MSA:				
Botetourt County	$83,100	$93,600	$113,750	$131,250
Roanoke County				
Roanoke City				
Salem City				
State of Virginia:				
York County	$101,250	$114,000	$138,000	$160,500
Fauquier County	$99,300	$111,800	$135,850	$156,750
Albemarle County/Charlottesville City	$76,650	$86,300	$104,900	$121,050
Spotsylvania County/Fredericksburg City	$80,750	$90,950	$110,500	$127,500
Isle of Wight County	$78,350	$88,250	$107,250	$123,750
Frederick County	$70,500	$79,400	$96,450	$111,300
All Other Areas:	$68,300	$76,900	$93,500	$107,900
HUD Field Office: Charleston Office				
Charleston, WV MSA:				
Kanawha County	$79,800	$89,850	$109,200	$126,000
Putnam County				
Huntington-Ashland, WV-KY-OH MSA (part:)				
Cabell County, WV	$82,100	$92,450	$112,300	$129,600
Wayne County				
Parkersburg-Marietta, WV-OH MSA (part):				
Wood County	$75,400	$84,900	$103,150	$119,050
Wheeling, WV-OH MSA (part:)				
Marshall County	$69,550	$78,350	$95,150	$109,800
Ohio County				
REGION IV				
HUD Field Office: Columbia Office				
Charleston, SC MSA:				
Berkeley County	$85,500	$96,300	$117,000	$135,000
Charleston County				
Dorchester County				
Greenville-Spartansburg, SC MSA:				
Greenville County	$76,950	$86,650	$105,300	$121,500

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Pickens County				
Spartanburg County				
Horry County				
Charlotte-Gastonia-Rock Hill, NC-SC MSA (part:)				
York County, SC	$82,000	$92,350	$112,200	$129,450
Augusta, GA-SC MSA (part:)				
Aiken County, SC	$82,550	$92,950	$112,950	$130,300
Columbia, SC MSA:				
Lexington County	$88,350	$99,500	$120,900	$139,500
Richland County				
Other Areas:				
Beaufort County	$94,050	$105,900	$128,700	$148,500
HUD Field Office: Atlanta Office				
Atlanta, GA MSA:				
Barrow County	$101,250	$114,000	$138,000	$160,500
Butts County				
Cherokee County				
Clayton County				
Cobb County				
Coweta County				
DeKalb County				
Douglas County				
Fayette County				
Forsyth County				
Fulton County				
Gwinnett County				
Henry County				
Newton County				
Paulding County				
Rockdale County				
Spalding County				
Walton County				
Augusta, GA-SC MSA:				
Columbia County GA	$82,550	$92,950	$112,950	$130,300
Richmond County, GA				
McDuffie County, GA				
Macon-Warner Robins, GA MSA:				
Bibb County	$75,400	$84,900	$103,150	$119,050
Houston County				
Jones County				
Peach County				
Savannah, GA MSA:				
Chatham County	$70,300	$79,150	$96,200	$111,000
Effingham County				
Chattanooga, TN-GA MSA (part):				
Catoosa County	$73,050	$82,250	$99,950	$115,350
Dade County				
Walker County				
Other Areas:				
Clarke County	$75,050	$84,500	$102,700	$118,500
Oconee County	$75,500	$85,050	$103,350	$119,250
Hall County				
HUD Field Office: Birmingham Office				
Anniston, AL MSA:				
Calhoun County	$76,000	$85,600	$104,000	$120,000
Birmingham, AL MSA:				
Blount County	$96,900	$109,100	$132,600	$153,000
Jefferson County				
St. Clair County				
Shelby County				
Walker County				
Florence, AL MSA:				
Colbert County	$68,450	$77,050	$93,650	$108,050
Huntsville, AL MSA:				
Madison County	$78,600	$88,500	$107,550	$124,100
Mobile, AL MSA:				
Baldwin County	$90,700	$102,150	$124,150	$143,250
Mobile County				
Montgomery, AL MSA:				
Atauga County	$84,500	$95,150	$115,650	$133,400

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Elmore County				
Montgomery County				
Tuscaloosa, AL MSA:				
Tuscaloosa County	$76,750	$86,400	$105,000	$121,150
HUD Field Office: Greensboro Office				
Asheville, NC MSA:				
Buncombe County	$82,150	$92,550	$112,450	$129,750
Charlotte-Gastonia-Rock Hill, NC–SC MSA (part):				
Mecklenburg County	$101,250	$114,000	$138,000	$160,500
Cabarrus County	$88,700	$99,900	$121,400	$140,100
Gaston County				
Lincoln County				
Rowan County				
Union County				
Fayetteville, NC MSA:				
Cumberland County	$72,050	$81,150	$98,550	$113,750
Greensboro—Winston-Salem—High Point, NC MSA:				
Davidson County	$88,350	$99,500	$120,900	$139,500
Davie County				
Forsyth County				
Guilford County				
Randolph County				
Stokes County				
Yadkin County				
Raleigh-Durham, NC MSA:				
Durham County	$101,250	$114,000	$138,000	$160,500
Franklin County				
Orange County				
Wake County				
Wilmington, NC MSA:				
New Hanover County	$79,600	$89,650	$108,900	$125,560
Other Areas:				
Currituck County	$76,500	$86,000	$104,500	$120,500
Johnston County	$71,250	$80,250	$97,500	$112,500
Craven County	$81,350	$91,600	$111,300	$128,400
Granville County	$72,200	$81,300	$98,800	$114,000
Pitt County	$75,050	$84,500	$102,750	$118,500
Carteret County	$70,300	$79,150	$96,200	$111,000
HUD Field Office: Jackson Office				
Jackson, MS MSA:				
Hinds County	$86,450	$97,350	$118,300	$136,500
Madison County				
Rankin County				
Pascagoula, MS MSA:				
Jackson County	$77,400	$87,200	$106,000	$122,200
Biloxi-Gulfport, MS MSA:				
Hancock County	$79,100	$89,100	$108,200	$124,900
Harrison County				
Warren County	$80,000	$90,100	$109,450	$126,300
Oktibbeha County	$73,300	$82,600	$100,350	$115,800
Memphis, TN–AR–MS MSA:				
Desoto County, MS	$87,750	$98,850	$120,100	$138,600
Other Areas:				
Lowndes County	$70,200	$79,100	$96,100	$110,900
HUD Field Office: Coral Gables Office				
Ft. Lauderdale-Hollwood-Pompano Beach, FL MSA:				
Broward County	$87,400	$98,400	$119,600	$138,000
Miami-Hialeah, FL PMSA:				
Dade County	$85,500	$96,300	$117,000	$135,000
West Palm Beach-Boca Raton-Delray Beach, FL MSA:				
Palm Beach County	$86,450	$97,350	$118,300	$136,500
Ft. Pierce, FL MSA:				
Martin County	$76,000	$85,600	$104,000	$120,000
Ft. Myers, FL MSA:				
Lee County	$76,950	$86,650	$105,300	$121,500
Other Areas:				
Collier County	$76,000	$85,600	$104,000	$120,000
Monroe County	$80,750	$90,950	$110,500	$126,500

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD Field Office: Knoxville Office				
Chattanooga, TN-GA MSA (part): Hamilton County Marion County Sequatchie County	$73,050	$82,250	$99,950	$115,350
Knoxville, TN MSA: Anderson County Blount County Graninger County Knox County Jefferson County Sevier County Union County	$91,250	$102,700	$124,800	$144,000
HUD Field Office: Memphis Office				
Memphis, TN-AR-MS MSA: Shelby County, TN Tipton County, TN	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Nashville Office				
Nashville, TN MSA: Cheatham County Davidson County Dickson County Robertson County Rutherford County Sumner County Williamson County Wilson County	$101,250	$114,000	$138,000	$160,500
Clarksville-Hopkinsville, TN-KY MSA (part): Montgomery County	$76,750	$86,400	$105,000	$121,150
HUD Field Office: Louisville Office				
Cincinnati, OH-KY-IN PMSA (part): Boone County, KY Campbell County, KY Kenton County, KY	$80,750	$90,950	$110,500	$127,500
Lexington-Fayette, KY MSA: Bourbon County Clark County Fayette County Jessamine County Scott County Woodford County	$95,000	$107,000	$130,000	$150,000
Clarksville-Hopkinsville, TN-KY MSA (part): Christian County	$76,750	$86,400	$105,100	$121,150
Huntington-Ashland, WV-KY-OH MSA (part): Boyd County Carter County Greenup County	$82,100	$92,450	$112,300	$129,600
Other Areas: Jefferson County	$91,650	$103,200	$125,400	$144,700
HUD Field Office: Orlando Office				
Orlando, FL MSA: Orange County Osceola County Seminole County	$88,350	$99,500	$120,900	$139,500
Melbourne-Titusville-Palm Bay, FL MSA: Brevard County	$77,900	$87,700	$106,600	$123,000
Other Areas: Indian River County, FL	$69,800	$78,600	$95,550	$110,250
HUD Field Office: Jacksonville Office				
Jacksonville, FL MSA: Clay County	$87,850	$98,950	$120,250	$138,750

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Duval County				
Nassau County				
St. Johns County				
Gainesville, FL MSA:				
Alachua County	$71,250	$80,250	$97,500	$112,500
Bradford County				
Tallahasse, FL MSA:				
Gadsden County	$81,700	$92,000	$111,800	$129,000
Leon County				
Panama City, FL MSA:				
Bay County	$70,500	$79,400	$96,450	$111,300
Pensacola, FL MSA:				
Escambia County	$75,600	$85,150	$103,500	$119,400
Santa Rosa County				
HUD Field Office: Tampa Office				
Sarasota, FL MSA:				
Sarasota County	$86,850	$97,850	$118,850	$137,150
Tampa-St. Petersburg-Clearwater, FL MSA:				
Hernando County	$80,750	$90,950	$110,500	$127,500
Hillsborough County				
Pasco County				
Pinellas County				
Bradenton, FL MSA:				
Manatee County	$77,700	$89,850	$109,200	$126,000
Lakeland-Winter Haven, FL MSA:				
Polk County	$76,450	$86,100	$104,600	$120,700
REGION V				
HUD Field Office: Chicago Office				
Chicago, IL PMSA:				
Cook County	$101,250	$114,000	$138,000	$160,500
DuPage County				
McHenry County				
Lake County, IL PMSA:				
Lake County	$101,250	$114,000	$138,000	$160,500
Joliet, IL PMSA:				
Grundy County	$95,000	$107,000	$130,000	$150,000
Will County				
Aurora-Elgin, IL PMSA:				
Kane County	$95,950	$108,050	$131,300	$151,500
Kendall County				
Rockford, IL MSA:				
Boone County	$74,550	$83,950	$102,050	$117,750
Winnebago County				
HUD Field Office: Detroit Office				
Detroit, MI PMSA (part):				
Livingston County	$79,700	$89,750	$109,050	$125,850
Macomb County				
Monroe County				
Oakland County				
St. Clair County				
Wayne County				
Ann Arbor, MI PMSA:				
Washtenaw County	$99,200	$100,450	$122,050	$140,800
HUD Field Office: Grand Rapids Office				
Grand Rapids, MI PMSA:				
Kent County	$74,550	$83,950	$102,050	$117,750
Ottawa County				
HUD Field Office: Flint Office				
Detroit, MI PMSA (part):				
Lapeer County	$79,700	$89,750	$109,050	$125,850
HUD Field Office: Cleveland Office				
Cleveland, OH PMSA:				
Cuyahoga County	$77,900	$87,700	$106,600	$123,000

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Geauga County Lake County Medina County Akron, OH PMSA: Portage County Summit County Lorain-Elyria, OH PMSA: Lorain County	$70,300 $74,100	$79,150 $83,450	$96,200 $101,400	$111,000 $117,000
HUD Field Office: Springfield Office				
Bloomington-Normal, IL MSA: McLean County	$78,400	$88,300	$107,250	$123,750
Champaign-Urbana-Rantoul, IL MSA: Champaign County	$73,150	$82,350	$100,100	$115,500
St. Louis, MO–IL PMSA (part): Monroe County	$99,150	$111,650	$135,650	$156,550
Alton-Granite City, IL PMSA: Jersey County Madison County	$85,500	$96,300	$117,000	$135,000
East St. Louis-Belleville, IL PMSA: Clinton County St. Clair County	$85,500	$96,300	$117,000	$135,000
HUD Field Office: Minneapolis-St. Paul Office				
Minneapolis-St. Paul, MN–WI MSA (part): Anoka County Carver County Chisago County Dakota County Hennepin County Isanti County Ramsey County Scott County Washington County Wright County St. Croix County	$101,250	$114,000	$138,000	$160,500
St. Cloud, MN MSA: Benton County Sherburn County Stearns County	$87,100	$98,100	$119,200	$137,550
Rochester, MN MSA: Olmstead County	$101,250	$114,000	$138,000	$160,500
Fargo-Moorhead, ND–MN MSA (part): Clay County, MN	$84,000	$94,850	$115,200	$132,950
HUD Field Office: Milwaukee Office				
Minneapolis-St. Paul, MN–WI MSA (part): St. Croix County	$101,250	$114,000	$138,000	$160,500
Milwaukee, WI PMSA: Milwaukee County Ozaukee County Washington County Waukesha County	$81,750	$92,050	$111,850	$129,050
Madison, WI MSA: Dane County	$83,800	$94,350	$114,650	$132,300
Appleton-Oshkosh-Neenah, WI MSA: Calument County Outagamie County Winnebago County	$71,700	$80,750	$98,150	$113,250
Green Bay, WI MSA: Brown County	$83,300	$93,800	$113,950	$131,500
Racine, WI PMSA: Racine County	$85,450	$96,200	$116,900	$134,900
HUD Field Office: Indianapolis Office				
Cincinnati, OH–KY–IN PMSA: Dearborn County, IN	$80,750	$90,950	$110,500	$127,500
Gary-Hammond, IN PMSA: Lake County Porter County	$80,650	$90,800	$110,350	$127,350
South Bend—Mishawaka, IN MSA: St. Joseph County	$74,600	$84,000	$102,050	$117,750

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Indianapolis, IN MSA:				
Boone County	$89,300	$100,550	$122,200	$141,000
Hancock County				
Shelby County				
Morgan County				
Hendricks County				
Johnson County				
Marion County				
Hamilton County				
Bloomington, IN MSA:				
Monroe County	$75,900	$85,450	$103,850	$119,850
Elkhart-Goshen, IN MSA:				
Elkhart County	$76,450	$86,150	$104,650	$120,750
Fort Wayne, IN MSA:				
Allen County	$76,000	$85,600	$104,050	$120,050
Dekalb County				
Whitley County				
Lafayette, IN MSA:				
Tippecanoe County	$76,750	$86,400	$105,000	$121,150
HUD Field Office: Columbus Office				
Columbus, OH MSA:				
Delaware County	$82,150	$92,550	$112,450	$129,750
Fairfield County				
Franklin County				
Licking County				
Madison County				
Pickaway County				
Union County				
Lima, OH MSA:				
Allen County	$70,400	$79,250	$96,300	$111,150
Auglaize County				
Dayton-Springfield, OH MSA (part):				
Clark County	$69,200	$77,950	$94,750	$109,300
Huntington-Ashland, WV-KY-OH MSA (part):				
Lawrence County	$82,100	$92,450	$112,300	$129,600
Parkersburg-Marietta, WV-OH MSA (part):				
Washington County	$75,400	$84,900	$103,200	$119,050
Wheeling, WV-OH MSA (part):				
Belmont County	$69,550	$78,350	$95,150	$109,800
HUD Field Office: Cincinnati Office				
Cincinnati, OH-KY-IN (Part):				
Clermont County, OH	$80,750	$90,950	$110,500	$127,500
Hamilton County, OH				
Warren County, OH				
Hamilton-Middletown, OH PMSA:				
Butler County	$80,750	$90,950	$110,500	$127,500
Dayton-Springfield, OH MSA (part):				
Greene County	$69,200	$77,950	$94,750	$109,300
Miami County				
Montgomery County				
REGION VI HUD Field Office: Dallas Office				
Dallas, TX PMSA (part):				
Collin County	$101,250	$114,000	$138,000	$160,500
Dallas County				
Rockwall County				
HUD Field Office: Fort Worth Office				
Abilene, TX MSA:				
Taylor County	$74,200	$83,550	$101,500	$117,150
Dallas, TX PMSA (part):				
Denton County	$101,250	$114,000	$138,000	$160,500
Ellis County				
Kaufman County				
Ft. Worth-Arlington, TX PMSA:				
Johnson County	$101,250	$114,000	$138,000	$160,500

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Parker County				
Tarrant County				
Hood County				
Killeen-Temple, TX MSA:				
Bell County	$76,550	$86,250	$104,750	$120,900
Coryell County				
Longview-Marshall, TX MSA (part):				
Gregg County	$75,850	$85,400	$103,800	$119,750
Sherman-Denison, TX MSA:				
Grayson County	$78,000	$88,000	$106,500	$124,000
Texarkana, TX-Texarkana, AR MSA (part):				
Bowie County	$76,750	$86,400	$105,000	$121,150
Tyler, TX MSA:				
Smith County	$77,400	$87,200	$106,000	$122,200
Waco, TX MSA:				
McLennan County	$74,950	$84,400	$105,550	$118,350
Wichita Falls, TX MSA:				
Wichita County	$93,900	$105,800	$128,550	$148,300
HUD Field Office: Houston Office				
Houston, TX PMSA:				
Ft. Bend County	$90,000	$101,300	$122,650	$142,650
Harris County				
Liberty County				
Montgomery County				
Waller County				
Beaumont-Port Arthur, TX MSA:				
Hardin County	$71,250	$80,250	$97,500	$112,500
Jefferson County				
Orange County				
Galveston-Texas City, TX PMSA:				
Galveston County	$101,250	$114,000	$138,000	$160,500
Brazoria, TX PMSA:				
Brazoria County	$90,000	$101,300	$122,650	$142,650
Other Areas:				
Angelina County	$68,400	$77,000	$93,600	$108,000
HUD Field Office: Lubbock Office				
Amarillo, TX MSA:				
Potter County	$74,200	$83,550	$101,500	$117,150
Randall County				
Lubbock, TX MSA:				
Lubbock County	$93,950	$105,800	$128,600	$148,350
Midland, TX MSA:				
Midland County	$101,250	$114,000	$138,000	$160,500
HUD Field Office: San Antonio Office				
Austin, TX MSA:				
Hays County	$101,250	$114,000	$138,000	$160,500
Travis County				
Williamson County				
San Antonio, TX MSA:				
Bexar County	$82,750	$93,250	$113,250	$130,700
Comal County				
Guadalupe County				
Corpus Christi, TX MSA:				
Nueces County	$81,450	$91,750	$111,450	$128,600
San Patricio County				
Other Areas:				
Kendall County	$79,500	$89,500	$108,750	$125,500
HUD Field Office: Little Rock Office				
Memphis, TN-AR-MS MSA (part):				
Critten County, AR	$101,250	$114,000	$138,000	$160,500
Little Rock, AR MSA:				
Faulkner County	$86,200	$97,050	$117,950	$136,100
Lenoke County				
Pulaski County				
Saline County				
Texarkana, TX-Texarkana, AR MSA (part):				
Miller County	$76,750	$86,400	$105,000	$121,150

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD Field Office: Oklahoma City Office				
Oklahoma City, OK MSA:				
Canadian County	$72,800	$82,000	$99,600	$114,950
Cleveland County				
Logan County				
McClain County				
Oklahoma County				
Pottawatomie County				
HUD Field Office: New Orleans Office				
Baton Rouge, LA MSA:				
Ascension Parish	$76,000	$85,600	$104,000	$120,000
East Baton Rouge Parish				
Livingston Parish				
West Baton Rouge Parish				
New Orleans, LA MSA:				
Jefferson Parish	$96,500	$108,650	$132,050	$152,350
Orleans Parish				
St. Bernard Parish				
St. Charles Parish				
St. John the Baptist Parish				
St. Tammany Parish				
Lake Charles, LA MSA:				
Calcasieu Parish	$73,650	$82,950	$100,750	$116,250
Other Areas:				
Lafayette Parish	$76,000	$85,600	$104,000	$120,000
HUD Field Office: Shreveport Office				
Shreveport, LA MSA:				
Bossier Parish	$86,700	$97,650	$118,600	$136,850
Caddo Parish				
Alexandria, LA MSA:				
Rapides Parish	$86,100	$97,000	$117,850	$135,950
Longview-Marshall, TX MSA (part):				
Harrison County, TX	$75,850	$85,400	$103,800	$119,750
Monroe, LA MSA:				
Ouachita Parish	$71,600	$80,650	$98,000	$113,050
HUD Field Office: Albuquerque Office				
Albuquerque, NM MSA:				
Bernalillo County	$101,250	$114,000	$138,000	$160,500
Other Areas:				
Santa Fe County	$95,000	$107,000	$130,000	$150,000
Los Alamos County	$98,300	$110,700	$134,550	$155,250
HUD Field Office: Tulsa Office				
Tulsa, OK MSA:				
Creek County	$82,500	$92,900	$112,900	$130,300
Osage County				
Rogers County				
Tulsa County				
Wagoner County				
REGION VII				
HUD Field Office: Kansas City Office				
Kansas City, MO PMSA:				
Cass County, MO	$81,600	$91,900	$111,700	$128,900
Clay County, MO				
Jackson County, MO				
Lafayette County, MO				
Platt County, MO				
Ray County, MO				
Kansas City, KS PMSA:				
Johnson County, KS	$93,550	$105,350	$128,050	$145,750
Leavenworth County, KS	$81,600	$91,900	$111,700	$128,900

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Miami County, KS Wyandotte County, KS				
HUD Field Office: St. Louis Office				
St. Louis, MO–IL PMSA (part): St. Louis City, MO Franklin County, MO Jefferson County, MO St. Charles County, MO St. Louis County, MO	$99,150	$111,650	$135,650	$156,550
HUD Field Office: Des Moines Office				
Des Moines, IA MSA: Dallas County Polk County Warren County	$75,800	$85,400	$103,750	$119,700
Omaha, NE–IA MSA (part): Pottawattamie County, IA	$78,800	$88,750	$107,800	$124,400
Dubuque, IA MSA: Dubuque County	$79,500	$89,500	$108,750	$125,500
Waterloo-Cedar Falls, IA MSA: Black Hawk County Brewer County	$78,950	$88,950	$108,050	$124,700
HUD Field Office: Omaha Office				
Omaha, NE–IA MSA (part): Douglas County, NE Sarpy County, NE Washington County	$78,800	$88,750	$107,800	$124,400
HUD Field Office: Topeka Office				
Topeka, KS MSA: Shawnee County	$70,300	$79,150	$96,200	$111,000
Wichita, KS MSA: Butler County Harvey County Sedgwick County	$78,450	$88,350	$107,350	$123,900
REGION VIII **HUD Field Office: Denver Office**				
Denver, CO PMSA: Adams County Arapahoe County Denver County Douglas County Jefferson County	$101,250	$114,000	$138,000	$160,500
Boulder-Longmont, CO PMSA: Boulder County	$101,250	$114,000	$138,000	$160,500
Fort Collins-Loveland, CO MSA: Larimer County	$93,550	$105,350	$128,050	$147,750
Colorado Springs, CO MSA: El Paso County	$101,250	$114,000	$138,000	$160,500
Pueblo, CO MSA: Pueblo County	$75,500	$85,050	$103,350	$119,250
Greeley, CO MSA: Weld County	$90,700	$102,150	$124,150	$143,250
State of Colorado: Eagle County	$101,250	$114,000	$138,000	$160,500
Elbert County	$83,900	$94,500	$114,850	$132,500
Garfield County	$75,200	$84,700	$102,950	$118,800
Grand County	$80,750	$90,950	$110,500	$127,500
Routt County	$90,000	$101,300	$122,650	142,650
Summit County	$101,250	$114,000	$138,000	$160,500
Teller County	$80,750	$90,950	$110,500	$127,500
Pitkin County	$90,000	$101,300	$122,650	$142,650
Other Areas	$71,800	$80,900	$98,300	$113,400
HUD Field Office: Helena Office				
State of Montana	$75,500	$85,050	$103,350	$119,250

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
HUD Field Office: Salt Lake City Office				
Salt Lake City-Ogden, UT MSA:				
Davis County	$80,450	$90,600	$110,100	$127,050
Salt Lake County				
Weber County				
Provo-Orem, UT MSA:				
Utah County	$90,700	$102,150	$124,150	$143,250
Other Areas:				
Washington County	$75,900	$85,450	$103,850	$119,850
Summit County	$94,500	$106,450	$129,350	$149,250
HUD Field Office: Casper Office				
Teton County	$91,200	$102,700	$124,800	$144,000
State of Wyoming	$75,000	$84,000	$102,500	$118,000
HUD Field Office: Fargo Office				
Fargo-Moorhead, ND-MN MSA (part):				
Cass County, ND	$84,000	$94,850	$115,200	$132,950
Grand Forks, ND MSA:				
Grand Forks County	$84,000	$94,850	$115,200	$132,950
Other Areas:				
Burleigh County	$70,750	$79,700	$96,850	$111,750
Morton County				
HUD Field Office: Sioux Falls Office				
Sioux Falls, SD MSA:				
Minnehaha County	$77,950	$87,750	$109,050	$125,800
Lincoln County	$75,000	$84,000	$102,500	$118,000
Meade County				
Rapid City, SD MSA:				
Pennington County	$75,000	$84,000	$102,500	$118,000
REGION IX				
HUD Field Office: Los Angeles Office				
Los Angeles Office Metro and Non-Metro Areas:				
Los Angeles County	$101,250	$114,000	$138,000	$160,500
San Luis Obispo County				
Santa Barbara County				
Ventura County				
Kern County				
HUD Field Office: San Francisco Office				
San Francisco Office Metro and Non-Metro Areas:				
Alameda County	$101,250	$114,000	$138,000	$160,500
Contra Costa County				
Del Norte County				
Humboldt County				
Lake County				
Marin County				
Mendocino County				
Monterey County				
Napa County				
San Benito County				
San Francisco County				
San Mateo County				
Santa Clara County				
Santa Cruz County				
Solano County				
Sonoma County				
HUD Field Office: Fresno Office				
Fresno Office Metro and Non-Metro Areas:				
Fresno County	$101,250	$114,000	$138,000	$160,500

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Kern County				
Kings County				
Madera County				
Mariposa County				
Merced County				
Stanislaus County				
Tulare County				
HUD Field Office: Sacramento Office				
Sacramento Office Metro and Non-Metro Areas:				
Alpine County	$101,250	$114,000	$138,000	$160,500
Amador County				
Butte County				
Calaveras County				
Colusa County				
El Dorado County				
Glenn County				
Lassen County				
Modoc County				
Nevada County				
Placer County				
Plumas County				
Sacramento County				
San Joaquin County				
Shasta County				
Sierra County				
Siskiyou County				
Sutter County				
Tehama County				
Trinity County				
Tuolumne County				
Yolo County				
Yuba County				
HUD Field Office: San Diego Office				
San Diego Office Metro and Non-Metro Areas:				
Imperial County	$101,250	$114,000	$138,000	$160,500
San Diego County				
HUD Field Office: Santa Ana Office				
Orange County	$101,250	$114,000	$138,000	$160,500
Riverside County				
San Bernardino County				
Mono County	$75,000	$84,000	$102,500	$118,000
Inyo County				
HUD Field Office: Las Vegas Office				
Las Vegas, NV MSA:				
Clark County	$101,250	$114,000	$138,000	$160,500
State of Nevada Non-Metro Areas:				
Lincoln County	$75,000	$84,000	$102,500	$118,000
Nye County (part)				
HUD Field Office: Reno Office				
Reno, NV MSA:				
Washoe County	$101,250	$114,000	$138,000	$160,500
State of Nevada Non-Metro Areas:				
Carson City County	$85,500	$96,300	$117,000	$135,000
Douglas County	$82,650	$93,050	$113,100	$130,500
Lyon County	$77,400	$87,200	$105,950	$122,250
Churchill County	$75,000	$84,000	$102,500	$118,000

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

Market area designation and local jurisdictions	Mortgage Limits			
	1-family and condominium unit	2-family	3-family	4-family
Elko County Esmeralda County Eureka County Humboldt County Lander County Mineral County Nye County (part) Pershing County Storey County White Pine County				
HUD Field Office: Phoenix Office				
Phoenix, AZ MSA: Maricopa County	$101,250	$114,000	$138,000	$160,500
Other Areas: Coconino County	$80,750	$90,950	$110,500	$127,500
Pinal County	$69,350	$78,100	$94,900	$109,500
HUD Field Office: Tucson Office				
Tucson, AZ MSA: Pima County	$101,250	$114,000	$138,000	$160,500
HUD Field Office: Honolulu Office				
State of Hawaii: Metro and Non-Metro Areas	$151,850	$171,000	$207,000	$240,750
Territory of Guam	$101,250	$114,000	$138,000	$160,500
REGION X HUD Field Office: Seattle Office				
Seattle, WA PMSA: King County Snohomish County	$101,250	$114,000	$138,000	$160,500
Tacoma, WA PMSA: Pierce County	$89,750	$101,050	$122,800	$141,700
Yakima, WA MSA: Yakima County	$83,350	$93,850	$114,050	$131,600
Bremerton, WA MSA: Kitsap County	$80,200	$90,350	$109,750	$126,650
Olympia, WA MSA: Thurston County	$79,800	$89,850	$109,200	$126,000
HUD Field Office: Portland Office				
Portland, OR PMSA: Clackamas County Multnomah County Washington County Yamhill County	$89,750	$101,050	$122,800	$141,700
Vancouver, WA PMSA: Clark County	$98,300	$110,700	$134,550	$155,250
All Other Areas	$85,200	$95,950	$116,600	$134,550
HUD Field Office: Anchorage Office				
State of Alaska: All Areas	$135,000	$151,950	$183,950	$213,950
HUD Field Office: Spokane Office				
Richland-Kennewick-Pasco, WA MSA: Benton County Franklin County	$85,500	$96,300	$117,000	$135,000
Spokane, WA MSA: Spokane County	$75,350	$84,850	$103,100	$118,950
HUD Field Office: Boise Office				
Boise City, ID MSA: Ada County	$88,000	$99,100	$120,400	$138,900

Date: December 5, 1988.

Thomas T. Demery,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 88–28529 Filed 12–9–88; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8236]

Allocation and Apportionment of Deduction for State Income Taxes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary Income Tax Regulations relating to the allocation and apportionment of deductions for state income taxes in computing taxable income from sources inside and outside the United States. The text of the temporary regulations set forth in this document also serves as the text of the proposed regulations cross-referenced in the Notice of Proposed Rulemaking in the Proposed Rules section of this issue of the **Federal Register.**

EFFECTIVE DATES: The rules of § 1.861–8T(e)(6)(i) and the language preceding the examples in § 1.861–8T(g) are effective for all taxable years beginning after December 31, 1976. The remaining regulations are effective for taxable years beginning on or after January 1, 1988.

FOR FURTHER INFORMATION CONTACT: David F. Chan of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn: CC:CORP:T:R) (202–634–5404, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary Income Tax Regulations (26 CFR Part 1) under sections 861(b), 862(b), and 863(a) of the Internal Revenue Code of 1986. The temporary regulations are issued under the authority contained in section 7805 (26 U.S.C. 7805) of the Internal Revenue Code of 1986.

Sections 861(b) and 862(b) of the Code provide that, in determining taxable income attributable to items of United States source income enumerated in section 861(a) and foreign source income enumerated in section 862(a), deductions must be properly allocated and apportioned to such income. In addition, section 863(a) provides that deductions must be properly allocated and apportioned to items of income not described in section 861(a) or 862(a) in order to compute taxable income under section 863. The allocation and apportionment of deductions is fundamental to the computation of taxable income of foreign corporations under section 882 and the foreign tax credit limitation under section 904(a) of the Code. Questions have recently arisen about the allocation and apportionment of the deduction for state taxes in situations not explicitly addressed by the current regulations. The temporary regulations promulgated herein provide guidance with respect to these questions.

Need for Temporary Regulations

Because of the significant number of taxpayers needing immediate guidance for purposes of filing income tax returns, the Internal Revenue Service has found it to be impractical to issue these temporary regulations after the notice and public comment procedure under section 553(b) of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Discussion

Section 1.861–8

This document revises § 1.861–8 by reserving paragraph (e)(b) of § 1.861–8, the language of § 1.861–8(g) that precedes the examples, and Examples (25) and (26) of paragraph (g) of § 1.861–8.

Section 1.861–8T(e)(6)

Paragraph (e)(6)(i) of § 1.861–8T as promulgated herein restates the previously promulgated general principle that state, local, and foreign income, war profits and excess profits taxes are definitely related and allocable to the gross income with respect to which such taxes are imposed. Paragraph (e)(6)(ii) clarifies that the deduction for a state franchise tax that is computed based on income is to be allocated in the same manner as an income tax. This paragraph also cites five examples illustrating the application of the general principle for allocation of that deduction, and provides that taxpayers may use another method of allocation or apportionment if shown to the satisfaction of the district director that such method produces a more accurate result. This allocation and apportionment is necessary because states may tax income that is foreign source under the Internal Revenue Code provided the income is attributable to activities performed in the state. *Mobil Oil Corp.* v. *Commissioner of Taxes,* 445 U.S. 425 (1980). Paragraph (e)(6)(iii) of § 1.861–8T provides that the regulations in paragraph (e)(6)(i) are effective for all taxable years, and that the regulations in paragraph (e)(6)(ii) and *Examples* (25) through (29) of § 1.861–8T(g) are effective for taxable years beginning on or after January 1, 1988. This paragraph also provides taxpayers with the option to apply the regulations to deductions for state tax incurred in taxable years beginning before January 1, 1988.

Section 1.861–8T(g)

Paragraph (g) of § 1.861–8T as promulgated herein first restates the previously promulgated language that precedes the examples in § 1.861–8(g), and supplements that language to clarify that the examples do not establish as substantive rules the particular methods of allocation set forth therein. Because the application of the general rule is inherently factual in nature and an allocation must be reasonable under all the facts and circumstances, this paragraph provides that the methods of allocation illustrated in the examples may not be used if the result is not a reasonable allocation, under all of the facts and circumstances, of the deduction to the gross income to which it relates.

Paragraph (g) § 1.861–8T(g) then provides five examples, Examples (25) through (29), that illustrate the general rule for allocation and apportionment of the deduction for state income tax.

Examples (25) and (26)

Examples (25) and (26) of § 1.861–8T(g) are modifications of previously promulgated examples. The modification to each example provides that for purposes of allocating the deduction for state taxes neither U.S. nor foreign source income is reduced by the amount of the state income tax deduction being allocated. Example (25) provides that the deduction for state income taxes is allocable to a class of income that includes foreign source income when the laws of the states imposing tax on the taxpayer do not specifically exempt foreign source income, and the total amount of income taxed by the states, as determined under state law, exceeds the amount of U.S. source income for Federal income tax purposes. Example (26) describes the allocation and apportionment of state income tax when one (but not all) of the states imposing an income tax on the

taxpayer explicitly exempts foreign source income. If, under the facts of Examples (25) and (26), the total amount of state taxable incomes is less than or equal to the amount of U.S. source income for Federal income tax purposes, none of the state income tax is allocable to a class of income that includes foreign source income.

Example (27)

Example (27) of § 1.861–8T(g) indicates that when a taxpayer conducts income producing operations in a state that does not impose an income tax, an adjustment is necessary before the allocation and apportionment methods contained in Examples (25) and (26) may be applied. Examples (25) and (26) determine whether foreign source income is taxed by states by comparing total state taxable incomes with U.S. source taxable income for Federal income tax purposes. Without an adjustment, this comparison may be inaccurate when the taxpayer has significant activities in a state that does not impose a tax computed on income attributable to activities in that state.

Example (27) provides that the allocation and apportionment of state income taxes is to be made by first making a reasonable estimate of the taxable income attributable to activities in states that do not impose a tax computed on state taxable income and subtracting this estimated amount from U.S. source taxable income for Federal income tax purposes. The taxpayer must then apply the allocation and apportionment methods described in Example (26) by comparing total state taxable incomes in states that imposed an income tax with the reduced amount of U.S. source taxable income for Federal income tax purposes. Example (27) of the temporary regulations provides a method that will be deemed to produce a reasonable estimate of the taxable income attributable to activities in a state that does not define state taxable income.

Example (28)

Example (28) of § 1.861–8T(g) provides for the allocation and apportionment of the deduction for a state income tax imposed by a state that defines a corporation's business income to include dividends from noncontrolled companies ("portfolio dividends") and that determines the corporation's state taxable income by apportioning the corporation's business income based upon a ratio of its factors in the state to those outside the state. Under state law, the factors used to compute the ratio used to apportion income to the state do not include factors attributable to corporations paying portfolio dividends. In such a situation, a portion of the state tax is definitely related to the portfolio dividends and must be allocated to the classes of gross income consisting of foreign source and U.S. source portfolio dividends, respectively. Any remaining tax is to be allocated and apportioned separately under the principles illustrated in the other examples of § 1.861–8T(g).

Example (29)

Example (29) of § 1.861–8T(g) illustrates the allocation and apportionment of the deduction for state income taxes when a state imposes an income tax on a worldwide unitary basis. Under this example, an appropriate portion of unitary tax is first allocated to the taxpayer's portfolio dividends in the manner described in Example (28). An appropriate portion of unitary tax is then allocated to state taxable income attributable to the inclusion, under state tax rules, of controlled foreign corporations (CFCs) and "80/20" companies as defined in section 861(c)(1) in the unitary group. The state tax imposed on such income is apportioned on the basis of the income earned by the CFCs and the 80/20 companies. The state tax remaining after reduction for tax attributable to portfolio dividends and tax attributable to the inclusion of other related companies in the unitary group is added to the state tax imposed by the other states and apportioned under the principles illustrated in Examples (25) through (27).

Special Analyses

It has been determined that this temporary rule is not a major legislative regulation subject to Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. A general notice of proposed rulemaking is not required by 5 U.S.C. 553 for temporary regulations. Accordingly, these temporary regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Drafting Information

The principal author of these regulations is David F. Chan of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations.

List of Subjects in 26 CFR 1.861–1 Through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investment in United States, Foreign tax credit, FSC, Sources of income, United States investments abroad.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 1 is amended as follows:

PART 1—[AMENDED]

Paragraph 1. The authority for Part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 1.861–8 (e)(6) and the introductory text of paragraph (g) and *Examples* (25) and (26) are revised to read as follows:

§ 1.861–8 Computation of taxable income from sources within the United States and from other sources and activities.

* * * * *

(e) *Allocation and apportionment of certain deductions.*

* * * * *

(6) *Income taxes.* [Reserved] For guidance see § 1.861–8T (e)(6).

* * * * *

(g) *General examples.* [Reserved] For guidance see § 1.861–8T (g).

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Example (25)—Income Taxes. [Reserved] For guidance see § 1.861–8T (g) *Examples* (25) through (29).

Example (26)—Income Tax. [Reserved] For guidance see § 1.861–8T (g) *Examples* (25) through (29).

Par. 3. Section 1.861–8T is amended by adding paragraph (e)(6), the introductory text of paragraph (g) and Examples (25) through (29) to read as follows:

§ 1.861–8T Computation of taxable income from sources within the United States and from other sources and activities (Temporary).

* * * * *

(e) * * *

(6) *Income taxes*—(i) *In general.* The deduction for state, local, and foreign income, war profits and excess profits taxes allowed by section 164 shall be considered definitely related and allocable to the gross income with respect to which such taxes are imposed. For example, if a domestic corporation is subject to state income tax and such state income tax is imposed in part on an amount of foreign source income, that part of the taxpayer's state income tax attributable to foreign source income is definitely related and allocable to foreign source income. A state franchise tax that is

computed on the basis of income attributable to business activities conducted within the state must be allocated and apportioned in the same manner as an income tax.

(ii) *Methods of allocation and apportionment. Examples* (25) through (29) of paragraph (g) of this section illustrate the application of this paragraph (e)(6). Taxpayers may utilize methods of allocation or apportionment other than those illustrated in these examples if it is established to the satisfaction of the District Director upon examination that a different method yields a more accurate allocation and apportionment of state taxes, based on the factual relationship of the state tax to the income on which the tax is imposed.

(iii) *Effective dates.* The rules of § 1.861–8T(e)(6)(i) are effective for all taxable years. The rules of § 1.861–8T(e)(6)(ii) and *Examples* (25) through (29) of § 1.861–8T(g) are effective for taxable years beginning on or after January 1, 1988. At the option of the taxpayer, however, the rules of § 1.861–8T (e)(6)(ii) and *Examples* (25) through (29) of § 1.861–8T(g) may be applied with respect to deductions for state taxes incurred in taxable years beginning before January 1, 1988.

(g) *General examples.* The following examples illustrate the principles of this section. In each example, unless otherwise specified, the operative section which is applied and gives rise to the statutory grouping of gross income is the overall limitation to the foreign tax credit under section 904(a). In addition, in each example, where a method of allocation or apportionment is illustrated as an acceptable method, it is assumed that such method is used by the taxpayer on a consistent basis from year to year (except in the case of the optional method for apportioning interest under paragraph (e)(2)(vi) of this section or the optional method for apportioning research and development expense under paragraph (e)(3)(iii) of this section). Further, it is assumed that each party named in each example operates on a calendar year accounting basis and, where the party is a U.S. taxpayer, files returns on a calendar year basis. The examples contained in this section illustrate the general rule that a deduction must be allocated to the class of gross income with respect to which the deduction is factually related. The application of this general rule is inherently factual in nature. These illustrations of this inherently factual rule are presented as examples because the particular methods of allocation utilized merely illustrate in particular factual situations the regulatory rule requiring an allocation that is reasonable under all the facts and circumstances. These examples do not establish as substantive rules the particular methods of allocation therein set forth. Thus, these particular methods of allocation may not be used if the result is not a reasonable allocation, under all of the facts and circumstances of the particular case, of the deduction to the class of gross income to which it relates.

* * * * *

Example (25)—Income Taxes—(i) *Facts.* X, a domestic corporation, is a manufacturer and distributor of electronic equipment with operations in states A, B, and C. X also has a branch in country Y which manufactures and distributes the same type of electronic equipment. In 1988, X has taxable income from these activities, as determined under the Code (without taking into account the deduction for state taxes), of $1,000,000, of which $200,000 is foreign source general limitation income subject to a separate limitation under section 904(d)(1)(I) ("general limitation income") and $800,000 is domestic source income. States A, B, and C each determine X's income subject to tax within their state by making adjustments to X's taxable income as determined under the Code, and then apportioning the adjusted taxable income on the basis of the relative amounts of payroll, property, and sales with respect to each state as compared to worldwide payroll, property, and sales of the taxpayer. The adjustments made by states A, B, and C all involve adding and subtracting enumerated items from taxable income as determined under the Code. However, in making these adjustments to taxable income, none of the states specifically exempts foreign source income as determined under the Code. On this basis, it is determined that X has taxable income of $550,000, $200,000, and $200,000 in states A, B, and C, respectively. The corporate tax rates in states A, B, and C are 10 percent, 5 percent, and 2 percent, respectively, and X has total state income tax liabilities of $69,000 ($55,000 + $10,000 + $4,000), which it deducts as an expense for Federal income tax purposes.

(ii) *Allocation.* X's deduction of $69,000 for state income taxes is definitely related and thus allocable to the gross income with respect to which the taxes are imposed. Presumptively, states A, B, and C only tax income from domestic sources. However, since the statutes of states A, B, and C do not specifically exempt foreign source income (as determined under the Code) from taxation and since, in the aggregate, states A, B, and C tax $950,000 of X's income while only $800,000 is domestic source income under the Code, it is presumed that state income taxes are imposed on $150,000 of foreign source income. The deduction for state income taxes is therefore related and allocable to both X's foreign source and domestic source income.

(iii) *Apportionment.* For purposes of computing the foreign tax credit limitation, X's income is comprised of one statutory grouping, foreign source general limitation gross income, and one residual grouping, gross income from sources within the United States. The state income tax deduction of $69,000 must be apportioned between these two groupings. Corporation X calculates the apportionment on the basis of relative amounts of foreign source general limitation taxable income and U.S. source taxable income subject to state, taxation. In this case, state income taxes are imposed on $800,000 of domestic source income and $150,000 of foreign source general limitation income.

State income tax deduction apportioned to foreign source general limitation income (statutory grouping):	
$69,000 × ($150,000/$950,000).....	$10,895
State income tax deduction apportioned to income from sources within the United States (residual grouping):	
$69,000 × ($800,000/$950,000).....	58,105
Total apportioned state income tax deduction.....	69,000

Example (26)—Income Taxes—(i) *Facts.* Assume the same facts as in *Example* (25) except that state A's statute exempts from taxation all foreign source income as determined under the Code, so that foreign source income is not included in adjusted taxable income subject to apportionment in state A (and factors relating to X's country Y branch are not taken into account in computing the state A apportionment fraction).

(ii) *Allocation.* X's deduction of $69,000 for state income taxes is definitely related and thus allocable to the gross income with respect to which the taxes are imposed. Since state A exempts all foreign source income by statute, state A is presumed to impose tax on $550,000 of X's $800,000 of domestic source income. X's state A tax of $55,000 is allocable, therefore, solely to domestic source income. Since the statutes of states B and C do not specifically exclude all foreign source income as determined under the Code, and since states B and C impose tax on $400,000 ($200,000 + $200,000) of X's income of which only $250,000 ($800,000−$550,000) is presumed to be domestic source, the deduction for the $14,000 of income taxes imposed by states B and C is related and allocable to both X's foreign source and domestic source income.

(iii) *Apportionment.* For purposes of computing the foreign tax credit limitation, X's income is comprised of one statutory grouping, foreign source general limitation gross income, and one residual grouping, gross income from sources within the United States. The deduction of $14,000 for income taxes of states B and C must be apportioned between these two groupings.

Corporation X calculates the apportionment on the basis of relative amounts of foreign source general limitation income and U.S. source income subject to state taxation.

States B and C income tax deduction apportioned to foreign source general limitation income (statutory grouping):	
$14,000 × ($150,000/$400,000).....	$5,250
States B and C income tax deduction apportioned to income from sources within the United States (residual grouping):	
$14,000 × ($250,000/$400,000).....	8,750
Total apportioned state income tax deduction.....	14,000

Of X's total income taxes of $69,000, the amount allocated and apportioned to foreign source general limitation income equals $5,250. The total amount of state income taxes allocated and apportioned to U.S. source income equals $63,750 ($55,000 + $8,750).

Example (27)—Income Tax—(i) *Facts.* Assume the same facts as in *Example* (25) except that state A, in which X has significant income producing activities, does not impose a corporate income tax or other state tax imposed on income derived from business activities conducted in state A. X therefore has a total state income tax liability in 1988 of $14,000 ($10,000 paid to state B plus $4,000 paid to state C), all of which is subject to allocation and apportionment under paragraph (b) of this section.

(ii) *Allocation.* (A) X's deduction of $14,000 for state income taxes is definitely related and allocable to the gross income with respect to which the taxes are imposed. An adjustment is necessary, however, before the aggregate state taxable incomes can be compared with U.S. source income on the Federal income tax return in the manner described in *Examples* (25) and (26). Unlike the facts in *Examples* (25) and (26), state A imposes no income tax and does not define taxable income attributable to activities in state A. The total amount of X's income subject to state taxation is, therefore, $400,000 ($200,000 in state B and $200,000 in state C). This total presumptively does not include any income attributable to activities performed in state A and therefore can not properly be compared to total U.S. source income reported by X for Federal income tax purposes, which does include income attributable to state A activities. Under these facts, the application of the method used in *Examples* (25) and (26), which compares total state taxable incomes with total U.S. source income for Federal income tax purposes, would presume that states B and C are taxing U.S. source income attributable to state A before taxing any foreign source income, a result which may or may not be warranted depending on the particular facts.

(B) Before applying the method used in *Examples* (25) and (26) to the facts of this example, it is necessary to estimate the amount of income that state A could reasonably attribute to X's activities in state A. The rules of the Uniform Division of Income for Tax Purposes Act ("UDITPA") attribute income to a state on the basis of the average of three ratios that are based upon the taxpayer's facts—property within the state over total property, payroll within the state over total payroll, and sales within the state over total sales—and may be used, with adjustments, for this purpose. In order to estimate U.S. source income derived from state A activities, the taxpayer's UDITPA factors must be adjusted to eliminate taxable income and any factors attributable to a foreign branch. In this example all taxable income as well as UDITPA apportionment factors (property, payroll, and sales) attributable to X's country Y branch must be eliminated.

(C) Since it is presumed that state A would not attempt to tax the income derived by X's country Y branch, a reasonable estimate of the income that would be taxed by state A if state A had an income tax equals Federally defined taxable income (before deduction for state income taxes) less income derived by X's country Y branch, multiplied by the average of the taxpayer's state A property, payroll, and sales ratios, determined using the principles of UDITPA (adjusted to eliminate the country Y branch factors). The amount so determined is presumed to be imposed exclusively on U.S. source income and the allocation and apportionment method described in *Example* (26) must be applied. If, for example, state A taxable income is determined to equal $550,000, then $550,000 of U.S. source income for Federal income tax purposes is presumed to constitute state A taxable income. The remaining $250,000 of U.S. source income for Federal income tax purposes is presumed to be subject to tax in states B and C. Since states B and C impose tax on $400,000, of which $150,000 is presumed to be foreign source income and $250,000 is presumed to be domestic source income, the deduction for the $14,000 of income taxes of states B and C is related and allocable to both X's foreign source and domestic source income and is subject to apportionment.

(iii) *Apportionment.* The deduction of $14,000 for income taxes of states B and C is apportioned in the same manner as in *Example* (26). As a result, $5,250 of the $14,000 of state B and state C income taxes is apportioned to foreign source general limitation income ($14,000 x $150,000/$400,000), and $8,750 ($14,000 x $250,000/$400,000) of the $14,000 of state B and state C income taxes is apportioned to U.S. source income.

Example (28)—Income Tax—(i) *Facts.* (A) Assume the same facts as in *Example* (25) (X has $1,000,000 of taxable income from Federal income tax purposes, $800,000 of which is U.S. source income and $200,000 of which is foreign source general limitation income), except that $100,000 of X's $200,000 of foreign source general limitation income consists of dividends from controlled foreign corporations ("CFCs") in which X owns stock representing 10 to 50 percent of the vote and value in such corporations. The income derived by the CFCs paying the dividends consists entirely of foreign source general limitation income.

(B) State A taxable income is computed by first making adjustments to X's Federal taxable income. These adjustments result in X having a total of $1,000,000 of apportionable taxable income for state A tax purposes. None of the $100,000 of adjustments made by state A relate to the dividends paid by the CFCs. As in *Example* (25), the amount of apportionable taxable income attributable to business activities conducted in state A is determined by multiplying apportionable taxable income by a fraction (the "state opportionment fraction") that compares the relative amounts of X's payroll, property, and sales within state A with X's worldwide payroll, property and sales. An analysis of state A law indicates that state A includes "portfolio dividends" in its definition of the taxable income of X which is apportionable to X's state A activities. However, the factors of the corporations paying those dividends are not included in the state A apportionment fraction for purposes of apportioning income to the state. Portfolio dividends are defined under state A law as any dividends paid from less than 50 percent owned subsidiaries. The dividends received by X from the 10 to 50 percent owned controlled foreign corporations, therefore, are considered to be portfolio dividends for state A tax purposes. The comparison of X's state A factors with X's worldwide factors results in a state apportionment fraction of 50 percent. Applying this fraction to apportionable taxable income of $1,100,000, as determined under state law, results in attributing 50 percent of apportionable taxable income to state A, and produces total state A taxable income of $550,000. State A imposes an income tax at a rate of 10 percent on the amount of income that is attributed to state A, which results in $55,000 of tax imposed by state A.

(ii) *Allocation.* (A) States A, B, and C impose income taxes of $69,000 which must be allocated to the classes of income upon which the taxes are imposed. A portion of X's Federal income tax deduction of $55,000 for state A income tax is definitely related and thus allocable to the class of gross income consisting of foreign source portfolio dividends. A definite relationship exists between a deduction for state income tax and portfolio dividend income when a state includes portfolio dividends in state taxable income apportionable to the state on the basis of an apportionment fraction that includes the factors of the corporations paying the dividends. By applying a state apportionment fraction that excludes factors of the corporations paying portfolio dividends to apportionable taxable income that includes the $100,000 of foreign source portfolio dividends, $50,000 (50 percent of the $100,000) of the portfolio dividends is attributed to X's activities in state A and subjected to state A income tax. Applying the state A income tax rate of 10 percent to the $50,000 of foreign source portfolio dividends subjected to state A income tax, $5,000 of X's $55,000 total state A income tax liability is definitely related and allocable to a class of income consisting of the foreign source portfolio dividends. (If a state imposes a graduated tax rate, the average effective state tax rate for the taxpayer for the taxable year may be utilized to determine the amount of tax attributable to the portfolio dividends.) Since under the look-through rules of section 904(d)(3) the foreign source portfolio dividends are included within the general

limitation described in section 904(d)(1)(I), the $5,000 of state A tax on foreign source portfolio dividends is allocated entirely to foreign source general limitation income and, therefore, is not apportioned. (If the total amount of state A tax imposed on foreign source portfolio dividends were to exceed the actual amount of X's state A income tax liability (for example, due to net operating losses), the actual amount of state A tax would be entirely allocated to the foreign source portfolio dividends.) After allocation of a portion of the state A tax to portfolio dividends, $50,000 ($55,000–$5,000) of state A tax remains to be allocated.

(B) A total of $64,000 (the aggregate of the $50,000 remaining state A tax, and the $10,000 and $4,000 of taxes imposed by states B and C, respectively) is to be allocated as provided in *Example* (25), by comparing U.S. source taxable income, as determined under the Code, with the aggregate of the state taxable incomes determined by states A, B, and C, after reducing state apportionable taxable incomes by the amount of any portfolio dividends to which tax has been specifically allocated. X's state A taxable income, after reduction by the $50,000 of portfolio dividends taxed by state, equals $500,000. X also has taxable income of $200,000 and $200,000 in states B and C, respectively. In the aggregate, therefore, states A, B, and C tax $900,000 of X's income, after including state taxable income attributable to portfolio dividends. Since X has only $800,000 of U.S. source taxable income for Federal income tax purposes, it is presumed that state income taxes are imposed on $100,000 of foreign source income. The remaining deduction of $64,000 for state income taxes is therefore related and allocable to both X's foreign source and domestic source income and is subject to apportionment.

(iii) *Apportionment.* For purposes of computing the foreign tax credit limitation, there is one statutory grouping, foreign source general limitation income, and one residual grouping, gross income from sources within the United States. The remaining state income tax deduction of $64,000 must be apportioned between these two groupings on the basis of relative amounts of foreign source general limitation taxable income and U.S. source taxable income subject to state taxation. In this case, the $64,000 of state income taxes is considered to be imposed on $800,000 of domestic source income and $100,000 of foreign source general limitation income and is apportioned as follows:

State income tax deduction apportioned to foreign source general limitation income (statutory grouping): $64,000×($100,000/$900,000)	$7,111
State income tax deduction apportioned to income from sources within the United States (residual grouping): $64,000×($800,000/$900,000)	56,889
Total apportioned state income tas deduction	64,000

Of the total state income taxes of $69,000, the amount allocated and apportioned to foreign source general limitation income equals $12,111 ($5,000+$7,111). The total amount of state income taxes allocated and apportioned to U.S. source income equals $56,889.

Example (29)—Income Taxes—(i) *Facts.* (A) P, a domestic corporation, is a manufacturer and distributor of electronic equipment with operations in states F, G, and H. P also has a branch on country Y which manufactures and distributes the same type of electronic equipment. In addition, P has three wholly owned subsidiaries, US1, US2, and FS, the latter a controlled foreign corporation ("CFC") ad defined in section 957 (a) of the Code. P also holds interests ranging from 10 to 50 percent ownership in various controlled foreign corporations.

(B) In 1988, P derives $1,000,000 of Federal taxable income (without taking into account the deduction for state income taxes), which consists of $250,000 of foreign source general limitation income and $750,000 of U.S. (domestic) source income. The foreign source general limitation income consists of a $25,000 Subpart F inclusion with respect to FS, $150,000 of dividends from other CFCs in which P owns stock representing 10 to 50 percent of the vote and value, and $75,000 of manufacturing and sales income derived by P's U.S. operations and country Y branch. The $750,000 of U.S. source income consists of manufacturing and sales income derived by P's U.S. operations.

(C) For Federal income tax purposes, US1 derives $75,000 of taxable income, before deduction for state income taxes, which consists entirely of U.S. source income. US2, a so-called "80/20" corporation described in section 861(c)(1), derives $250,000 of Federal taxable income before deduction for state or foreign income taxes, all of which is derived from foreign operations and consists entirely of foreign source general limitation income. FS is not engaged in a U.S. trade or business and derives $550,000 of foreign source general limitation income before deduction for foreign income taxes.

(D) State F imposes a corporate income tax of 10 percent on P's state F taxable income, which is determined on the basis of a worldwide unitary apportionment. State F determines P's taxable income for state F tax purposes by first making adjustments to the taxable income, as determined for Federal income tax purposes, of the members of the unitary group to determine the unitary business income of the group. State F then attributes a portion of the unitary business income to activities of P that are conducted in state F by multiplying the unitary business income (adjusted Federal taxable income) of the unitary group by a fraction (the "state apportionment fraction") that compares the relative amount of the unitary group's payroll, property, and sales (the "factors") in state F with the payroll, property, and sales of the unitary group. P is the only member of its unitary group that has state F factors and that is thereby subject to state F income tax and filing requirements. State F defines the unitary group to include any corporation more than 50 percent of which is directly or indirectly owned by a state F taxpayer and is engaged in the same unitary business. P's unitary group, therefore, includes P, US1, US2, and FS, but does not include the 10 to 50 percent owned CFCs. The unitary business income of the unitary group excludes intercompany dividends between members of the unitary group and subpart F inclusions with respect to a member of the unitary group. Dividends paid from nonmembers of the unitary group (the 10 to 50 percent owned CFCs) are referred to as portfolio dividends for state F tax purposes and are included in unitary income. None of the factors (in state F or worldwide) of the corporations paying portfolio dividends are included in the state F apportionment fraction for puposes of apportioning unitary business income to P's state F activities.

(E) After adjustments to Federal taxable income, the unitary business income of P's unitary group equals $2,000,000, consisting of $1,050,000 of P's income ($100,000 of foreign source manufacturing and sales income, $150,000 of foreign source portfolio dividends, and $800,000 of U.S. source manufacturing and sales income, but excluding the $25,000 subpart F inclusion attributable to FS since FS is a member of the unitary group), $100,000 of US1's income (from sales made in the United States), $275,000 of US2's income (from an active business outside the United States), and $575,000 of FS's income. The differences between Federal taxable income and state F apportionable taxable income for P, US1, US2, and FS represent adjustments to Federal taxable income pursuant to the tax laws of state F.

(F) The Federal and state taxable income for each member of the unitary group is summarized in the following table. (The items of income listed in the "Federal" column of the table refer to taxable income before deduction for state income tax.)

	Federal	State F
P		
U.S. source income	$750,000	$800,000
Foreign source general limitation income:		
Portfolio dividends	150,000	150,000
Subpart F income	25,000	0
Manufacturing and sales income	75,000	100,000
Total taxable income	1,000,000	1,050,000
US1		
U.S. source income	75,000	100,000
US2		
Foreign source general limitation income	250,000	275,000
FS		
Foreign source general limitation income	550,000	575,000
Unitary business income		2,000,000

(G) P's state F taxable income equals $500,000, which is determined by multiplying the group's unitary business income ($2,000,000) by the group's state F apportionment fraction, which equals 25 percent in these facts. P's state F taxable income is multiplied by the state F tax rate of 10 percent, resulting in a state F tax liability of $50,000. State G and state H, unlike state F, do not tax portfolio dividends. Although state G and state H apportion taxable income to

those states on the basis of an apportionment fraction that compares state factors to total factors, state G and state H, unlike state F, do not tax on a unitary basis and only consider P's taxable income and factors in computing P's taxable income. P's taxable income under state G law equals $300,000, which is subject to a 5 percent tax rate resulting in a state G tax liability of $15,000. P's taxable income under state H law is $300,000, which is subject to a tax rate of 2 percent resulting in a state H tax liability of $6,000. P has a total Federal income tax deduction for state income taxes of $71,000 ($50,000 + 15,000 + 6,000).

(ii) *Allocation.* (A) P's deduction of $71,000 for state income taxes is definitely related and allocable to the gross income with respect to which the taxes are imposed. Adjustments may be necessary, however, before aggregate state taxable incomes can be compared with U.S. source income on the Federal income tax return in the manner described in *Examples* (25) and (26). In allocating P's deduction for state income taxes, it is necessary first to determine the portion, if any, of the deduction that is definitely related and allocable to a particular class of gross income. A definite relationship exists between a deduction for state income tax and dividend income when a state includes portfolio dividends in state taxable income apportionable to the state on the basis of an apportionment fraction (whether or not calculated on a unitary basis) that excludes the factors of the corporations paying portfolio dividends.

(B) In this case, $150,000 of foreign source portfolio dividends are subject to a state F apportionment fraction of 25 percent, which results in a total of $37,500 of state F taxable income attributable to such dividends. As illustrated in *Example* (28), $3,750 ($150,000 × 25 percent state F apportionment percentage × 10 percent state F tax rate) of P's state F income tax is definitely related and allocable to a class of gross income consisting entirely of the foreign source portfolio dividends. Since under the look-through rules of section 904(d)(3) the foreign source portfolio dividends are included within the general limitation described in section 904(d)(1)(I), the $3,750 of state F tax on foreign source portfolio dividends is allocated entirely to foreign source general limitation income and, therefore, is not apportioned.

(C) After reducing state F taxable income of the unitary group by the taxable income attributable to portfolio dividends, state F taxes P on $462,500 ($500,000–$37,500), the income of a unitary group that includes P and other affiliated companies. Accordingly, in order to allocate and apportion the remaining $46,250 of state F tax ($50,000 of state F tax minus the $3,750 of state F tax allocated to foreign source portfolio dividends), it is necessary first to determine if state F is taxing only P's separate company income or is imposing its tax partly on income of other members of the unitary group. If state F is taxing income of other members of the unitary group, a portion of the state F tax must be allocated and apportioned on the basis of the income of the other members of the group subject to state F taxation. In order to determine if state F is taxing only P's separate company income, it is necessary to compute P's separate company taxable income using only P's income (excluding portfolio dividends) and state F apportionment factors. If P's separate company taxable income equals or exceeds the $462,500 of remaining state F taxable income, it is presumed that state F is only taxing P's separate company income and the entire amount of the remaining state F tax should be allocated and apportioned in the manner described in *Example* (25).

(D) If P's separate company taxable income is less than the $462,500 of remaining state F taxable income (after reduction for the $37,500 of state F taxable income attributable to portfolio dividends), it is presumed that state F is taxing the income of other affiliates included in the unitary group. In such a case, it is necessary to determine if the state is imposing tax in part on the foreign source income of foreign affiliates and 80/20 companies included in the unitary group or is limiting its taxation to U.S. source income of domestic members of the unitary group.

(E) Assume for purposes of this example that P's separate company taxable income equals $396,000, computed by multiplying P's state F taxable income of $900,000 (P's state F taxable income (before state F apportionment) of $1,050,000 less the $150,000 of foreign source portfolio dividends) by P's separate company state F apportionment fraction of 44 percent. Because P's separate company taxable income of $396,000 is less than the $462,500 of remaining state F taxable income, state F is presumed to be taxing the income of P's affiliates that are included in the unitary group. To determine if state F tax is being imposed on members of the unitary group (other than P) that produce foreign source income, it is necessary to compute a hypothetical state F taxable income for all companies in the unitary group with significant U.S. operations. (For this purpose, the hypothetical group of companies with significant domestic operations is referred to as the "water's edge group.") State F is presumed to be taxing income of foreign corporations and 80/20 companies to the extent that the remaining state F taxable income ($462,500) exceeds the hypothetical state F taxable income for the water's edge group.

(F) The members of the water's edge group are P and US1. The unitary business income of this water's edge group equals $1,000,000, the sum of $900,000 (P's state F taxable income (before state F apportionment) of $1,050,000 less the $150,000 of foreign source portfolio dividends) and $100,000 (US1's separate company state F taxable income). For purposes of this example, the state F apportionment fraction determined on a unitary basis for this water's edge group is assumed to equal 40 percent, the average of P and US1's state F payroll, property, and sales factor ratios (the water's edge group's state F factors over its worldwide factors). Applying this apportionment fraction to the $1,000,000 of unitary business income of the water's edge group yields state F water's edge taxable income of $400,000. The excess of the remaining $462,500 of state F taxable income over the $400,000 of state F water's edge taxable income equals $62,500, and is attributable to the inclusion of US2 and FS in the unitary group. The state F tax attributable to US2 and FS equals $6,250 and is allocated entirely to a class of gross income consisting of foreign source general limitation income, because the income of FS and US 2 consists entirely of such income. The $6,250 of state F tax attributable to US2 and FS is subtracted from the remaining $46,250 of net state F tax, and P has $40,000 of state F tax remaining to be allocated and apportioned.

(G) To the extent that the remaining state F taxable income ($400,000) exceeds P's separate company state F taxable income ($396,000), it is presumed that state F is taxing U.S. source income of members of the water's edge group other than P. In these facts, the $4,000 excess over P's separate company state F taxable income is attributable to the inclusion of US1 in the unitary group. The $400 of state F tax attributable to the inclusion of US1 in the unitary group (10 percent of $4,000) is allocated entirely to U.S. source income. P's remaining $39,600 of state F tax ($40,000 of state F tax attributable to the water's edge group minus $400 of state F tax attributable to US1 and allocated to U.S. source income) is the state F tax attributable to P's separate company state F taxable income and is to be allocated and apportioned together with P's state G tax of $15,000 and state H tax of $6,000 as illustrated in *Example* (25).

(H) In allocating the $60,600 of state tax liabilities ($39,600 state F tax attributable to P's separate company state F income+$15,000 state G tax+$6,000 state H tax) under *Example* (25), P's state taxable income in state G and state H ($300,000+$300,000) must be added to P's separate company state F taxable income ($396,000). The resulting $996,000 of combined state taxable incomes is compared with $750,000 of U.S. source income on P's Federal income tax return. It is presumed that the $60,600 of state income taxes are imposed in part on $246,000 of foreign source income, which is the excess of P's combined state taxable incomes over P's Federal U.S. source taxable income. Accordingly, P's remaining deduction of $60,600 ($39,600+$15,000+$6,000) for state income taxes is related and allocable to both P's foreign source and domestic source income and is subject to apportionment.

(iii) *Apportionment.* The $60,600 of state taxes (the remaining $39,600 of state F tax+$15,000 of state G tax+$6,000 of state H tax) must be apportioned between foreign source general limitation income and U.S. source income for Federal income tax purposes. This apportionment is based upon the relative amounts of foreign source general limitation taxable income and U.S. source taxable income comprising the $996,000 of income subject to tax by the states after reducing the total amount of income subject to tax by the portfolio dividends and income attributable to the inclusion of other members of the unitary group. The deduction for the $60,600 of state income taxes is apportioned as follows:

State income tax deduction apportioned to foreign source general limitation income (statutory grouping): $60,600 × ($246,000/$996,000)	$14,967
State income tax deduction apportioned to income from sources within the United States (residual grouping): $60,600 × ($750,000/$996,000)	45,633
Total apportioned state income tax deduction	60,600

Of the total state income taxes of $71,000, the amount allocated and apportioned to foreign source general limitation income is $24,967—the sum of $14,967 of state F, state G, and state H taxes apportioned to foreign source general limitation income, $3,750 of state F tax allocated to foreign source portfolio dividend income, and the $6,250 of state F tax allocated to foreign source general limitation income as the result of state F's worldwide unitary method of taxation (*i.e.*, the inclusion of US2 and FS in the unitary group). The total amount of state income taxes allocated and apportioned to U.S. source income equals $46,033—the sum of the $400 of state F tax attributable to the inclusion of US1 in the state F unitary group and $45,633 of combined states F, G, and H tax apportioned under the method provided in *Example* (25).

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved October 7, 1988.

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 88-28460 Filed 12-7-88; 3:39 pm]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Parts 2 and 14

Delegations of Authority; Federal Tort Claims

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration (VA) is amending its regulations to delegate to the VA General Counsel and designees the authority to adjust, determine, compromise, and settle a claim under the Federal Tort Claims Act where the amount of settlement does not exceed $100,000. This authority was granted to the Administrator under 38 U.S.C. 223 and 28 CFR Appendix to Part 14. The previous authority was limited to $25,000 by 28 U.S.C. 2672. This amendment will facilitate processing of claims under the Federal Tort Claims Act in a more timely manner.

EFFECTIVE DATE: November 9, 1988.

FOR FURTHER INFORMATION CONTACT: E. Douglas Bradshaw, Jr., Deputy Assistant General Counsel (021B), Veterans Administration, 810 Vermont Avenue NW., Washington, DC (202) 233-2252.

SUPPLEMENTARY INFORMATION: Section 203 of the Veterans Benefits and Services Act of 1988 (Pub. L. 100-322) added section 223 to Title 38, United States Code, permitting the Administrator to settle tort claims not exceeding an amount to be delegated by the Attorney General, with the delegation not to exceed the maximum amount delegated to the United States Attorneys. The Attorney General has delegated settlement authority to the Administrator not to exceed $100,000.

This amendment to 38 CFR 2.6(e)(1) delegates to the General Counsel, Deputy General Counsel, Assistant General Counsel (Professional Staff Group I), or those authorized to act for them, authority to consider, ascertain, adjust, determine, compromise, and settle a claim arising under the Federal Tort Claims Act; provided that any award, compromise, or settlement in excess of $100,000 shall be effected only with the prior written approval of the Attorney General or his designee. The amendment also provides for the execution of a memorandum explaining the basis for settlement of a claim in excess of $50,000 to be sent to the Department of Justice, as required by the Attorney General's delegation to the Administrator. Authority is also delegated to the District Counsels or those authorized to act for them and the Deputy Assistant General Counsel (Professional Staff Group I) to consider, ascertain, adjust, determine, compromise, and settle any claim under the Federal Tort Claims Act; provided that any award, compromise, or settlement does not exceed $50,000.

Conforming amendments are made to 38 CFR 14.602(a), 14.602(a)(4), and 14.602(b)(2), and sections which are no longer necessary are deleted.

Under 38 CFR 1.12 and 5 U.S.C. 553(d)(3), prior publication of these delegations of authority for public comment is unnecessary since they concern only internal VA management. Because a prior notice of proposed rulemaking is not required and will not be published, these changes do not come within the term "rule" as defined in and made subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 602(2).

In any case, these amendments will not have a significant economic impact on a substantial number of small entities as they are defined in that Act. No regulatory or administrative burdens are imposed upon small entities. Also, since these amendments are related solely to internal agency management, they do not come within the term "rule" as defined in section 1(a)(3) of Executive Order 12291, entitled Federal Regulation; consequently, they are not subject to requirements of that order.

There are no Catalog of Federal Domestic Assistance numbers associated with these amendments.

List of Subjects in 38 CFR Parts 2 and 14.

Administrative practice and procedure, Claims, Government employees, Lawyers, Legal services, Organization and functions.

Approved: November 9, 1988.

Thomas K. Turnage,

Administrator.

In 38 CFR Part 2, *Delegations of Authority*, and Part 14, *Legal Services, General Counsel*, are amended as set forth below:

PART 2—[AMENDED]

1. In § 2.6, introductory text of paragraph (e), paragraphs (e)(1)(i), and (e)(1)(ii) are revised, and paragraph (e)(1)(iii) is removed, to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(e) *General Counsel.* (1) Under the Federal Tort Claims Act, pursuant to the provisions of 28 U.S.C. 2672; Pub. L. 100-322; 38 U.S.C. 223, and the delegation of authority from the Attorney General in 28 CFR Appendix to Part 14:

(i) Authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, or those authorized to act for them, to consider, ascertain, adjust, determine, compromise, and settle any claim accruing on and after January 18, 1967, and asserted under the Federal Tort Claims Act, as amended by Pub. L. 89-506 (80 Stat. 306), and to execute an appropriate voucher and other necessary instruments in connection therewith; *Provided*, that any award, compromise, or settlement in excess of $100,000 shall be effected only with the prior written approval of the Attorney General or his designee; provided further, that whenever a settlement is effected in an amount in excess of $50,000, a memorandum fully explaining the basis for the action taken shall be sent to the Department of Justice.

(ii) Authority is delegated to the District Counsels or those authorized to act for them and the Deputy Assistant General Counsel (Professional Staff Group I) to consider, ascertain, adjust,

determine, compromise, and settle any claim under the Federal Tort Claims Act and to execute an appropriate voucher and other necessary instruments in connection therewith: Provided, That any award, compromise, or settlement does not exceed $50,000.

(Authority: 38 U.S.C. 223; 28 CFR Appendix to Part 14)

* * * * *

2. In § 14.602, paragraphs (a), (a)(4), and (b)(2) are revised to read as follows:

§ 14.602 Scope and authority to consider claims.

(a) The Administrator and those delegated such authority in § 2.6(e) of this chapter are authorized to consider, ascertain, adjust, determine, compromise, and settle claims for money damages against the United States in accordance with regulations prescribed by the Attorney General (38 CFR 14.1 *et seq.*). Any award, compromise, or settlement exceeding $100,000 shall be effected only with the prior written approval of the Attorney General or designee. In addition, a claim may be compromised or settled only after consultation with the Department of Justice when:

(Authority: 38 U.S.C. 223; 28 CFR Appendix to Part 14)

* * * * *

(4) For any reason, the compromise of a particular claim, as a practical matter, will, or may, control the disposition of a related claim in which the amount to be paid may exceed $100,000; or

(Authority: 38 U.S.C. 223; 28 CFR Appendix to Part 14)

* * * * *

(b) * * *

(2) Where full development of a claim indicates that liability exists and the potential settlement value exceeds $50,000, the District Counsel who received the claim will submit the case to the General Counsel for consideration.

(Authority: 38 U.S.C. 223; 28 CFR Appendix to Part 14)

* * * * *

§ 14.602 [Amended]

3. In § 14.602, paragraphs (c) and (e) are removed. Paragraph (d) is redesignated as paragraph (c).

[FR Doc. 88-28427 Filed 12-9-88; 8:45 am]

BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Endorsement of Single-Piece Rate Third-Class Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule requires that all pieces of third-class matter mailed at the single-piece third-class rate be endorsed "Third-Class", so that postal employees can better identify it in checking postage and providing the appropriate service. Formerly only sealed pieces of single-piece rate third-class mail had to be so endorsed.

EFFECTIVE DATE: March 19, 1989.

FOR FURTHER INFORMATION CONTACT: Leo F. Raymond, (202) 268-5199.

SUPPLEMENTARY INFORMATION: On October 13, 1988, the Postal Service published a proposed rule to require that all mailpieces sent at the third-class single-piece rates of postage, whether sealed or not, be endorsed "Third-Class" (53 FR 40097-40098). The Postal Service received three comments concerning the proposed rule.

One commenter supported the proposal. A second commenter found it "noncontroversial." That same commenter, however, questioned why single-piece rate third-class mail should continue as a subclass since so little demand exists for a level of service that offers no advantage over a superior service of equal price (e.g., single-piece First-Class Mail). While the commenter may be correct in perceiving little to attract customers to single-piece third-class mail in the lower weight increments where it is priced the same as First-Class Mail, the subclass extends up to, but not including, sixteen ounces. In the increments above four ounces, the price spread compared to single-piece First Class Mail grows quickly. Further, regular First-Class rates extend only to pieces not exceeding 11 ounces, beyond which the higher Priority Mail rates apply. For example, a 15.5-ounce item mailed at the existing third-class single-piece rate would cost $1.50; the same item mailed at Priority Mail rates would cost $2.40. Therefore, notwithstanding the aforementioned duplication in the lower weight cells, the Postal Service feels that single-piece rate third-class mail continues to offer an alternative for customers who do not desire the level of service associated with First-Class and Priority Mail.

The third commenter opposed the proposal, stating it would serve no useful purpose and arguing that failure to comply with the proposed rule would result in the piece being reclassified as First-Class Mail. Such action by the Postal Service, it is said, would not represent a real "penalty" to the mailer, and would not serve as an incentive to comply. We recognize the fact that unendorsed single-piece third-class mail will be treated as First-Class Mail; at the same time, however, we must point out that this treatment is not unearned since pieces weighing up to four ounces would bear sufficient postage for that rate and service. Also, as noted above, the third-class single-piece rate is not limited to pieces weighing four ounces or less, and there is little benefit to establishing separate marking criteria based on the weight of the piece and how the applicable rate may compare to the comparable First-Class postage. As stated in the proposed rule, aside from questions of classification, postage, and handling, the Postal Service must be able to identify what is in the mailstream for its own measurement purposes. Therefore, despite the absence of a "penalty" for violators in the lower weight increments, we believe there is a benefit in the rule with little or no appreciable impact on the mailing public.

Accordingly, after consideration of all the comments received, the Postal Service hereby adopts the following revisions to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR Part 111.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 5001.

PART 662—MARKING

2. In Part 662, revise 662.1 to read as follows:

662.1 Single-Piece Rate.

662.11 General.

Each piece mailed at the single-piece third-class rates of postage described in 611.1 must be legibly marked with the words "Third-Class."

662.12 Location.

The marking must appear on the address side of each piece, preferably below the postage and above the name of the addressee. It may be included as part of a permit imprint, or it may be printed adjacent to the meter stamp by a

postage meter. The marking will not be considered adequate if it is included as part of a decorative design or advertisement.

662.13 Unmarked Pieces.

Pieces lacking the endorsement required by 662.11 or not properly marked as required by 662.12 will be treated as First-Class Mail and charged postage at the applicable First-Class rate.

PART 141—STAMPED ENVELOPES, POSTAL CARDS, AEROGRAMMES

3. In Part 141, revise 141.254c to read as follows:

145.254 Postal Instructions.

* * * * *

c. *Third-class Mail.* On single-piece rate third-class mail, whether sealed or not (see also 621.4), the following must appear: *Third-Class.*

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 88-28503 Filed 12-9-88; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 62

[FRL-3481-4; NC-038]

Approval and Promulgation of Implementation Plans; State Plans for Designated Facilities and Pollutants; North Carolina: Approval of Minor Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving minor revisions to various regulations in the State Implementation Plan (SIP) and revisions to regulations developed pursuant to section 111(d) of the Clean Air Act (Plan for designated pollutants and facilities) submitted by the North Carolina Department of Natural Resources and Community Development on May 2, 1988. These revisions are of a bookkeeping nature and are the result of the review of the North Carolina Administrative Code by North Carolina's Administrative Rules Review Commission.

DATES: This action will be effective on February 10, 1989, unless notice is received by January 11, 1989, that someone wishes to submit adverse or critical comments. Such notice may be submitted to Gregg Worley at the EPA Regional Office address listed below.

ADDRESSES: Copies of the State submittal for this action are available for public inspection during normal business hours at the following locations:

EPA Region IV, Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Air Quality Section, Division of Environmental Management, North Carolina Department of Natural Resources and Community Development, 512 North Salisbury Street, Raleigh, North Carolina 27611.

Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Gregg M. Worley at the above EPA address and telephone number (404) 347-2864 or FTS 257-2864.

SUPPLEMENTARY INFORMATION: On May 2, 1988, the State of North Carolina submitted to EPA regulatory amendments which were adopted by the Environmental Management Commission on April 14, 1988. These amendments were the subject of three separate public hearings held on February 15, 1988.

The first of these hearings dealt with the adoption of an additional New Source Performance Standard (NSPS). A notice announcing delegation of authority to enforce this NSPS was published on June 22, 1988 (53 FR 23390).

The second hearing dealt with various amendments to regulations which are included in North Carolina's State Implementation Plan (SIP), including provisions for PM_{10}. These regulatory revisions will be handled in a separate notice.

The third hearing dealt with amendments to various regulations that are part of the federally approved SIP. The amendments were made to make corrections and remove out-of-date material. These amendments were not made to meet EPA requirements but were made upon the recommendation of North Carolina's Administrative Rules Review Commission (ARRC) after a review of all the regulations in the North Carolina Administrative Code. It is these regulatory changes that are being considered in today's notice.

Six of the amendments are to regulations that are included in the SIP: 15 NCAC 2D.0103, Copies of Referenced Federal Regulations; 15 NCAC 2D.0304, Preplanned Abatement Program; 15 NCAC 2D.0604, Sources Covered by Implementation Plan Requirements; 15 NCAC 2D.0608, Program Schedule; 15 NCAC 2D.0606, Other Coal or Residual Oil Burners; and 15 NCAC 2H.0607, Copies of Referenced Documents.

The other amended regulations, 15 NCAC 2D.0528, Total Reduced Sulfur from Kraft Pulp Mills, and 15 NCAC 2D.0529, Fluoride Emissions from Primary Aluminum Reduction Plants, are part of North Carolina's 111(d) plan for designated facilities and pollutants, which are not required to be part of the North Carolina SIP. These regulations are approved pursuant to 40 CFR Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants).

SIP Amendments

Regulations 15 NCAC 2D.0103, Copies of Referenced Federal Regulation, and 15 NCAC 2H.0607, Copies of Referenced Documents, have been amended to correct the address of the Washington Regional Office. The new address is Washington Regional Office, 1424 Carolina Avenue, Farish Building, Washington, North Carolina 27889. 2D.0103 was first federally approved on April 18, 1977 (42 FR 20133) and subsequently revised three times, with the latest revision being approved on February 29, 1988 (53 FR 5974). 2H.0607 was first federally approved on July 26, 1982 (47 FR 32118), and subsequently revised three times, with the latest revision being approved on February 29, 1988 (53 FR 5974).

Regulation 15 NCAC 2D.0304, Preplanned Abatement Program, was amended to delete an obsolete submittal schedule that required sources to submit emergency abatement plans by April 20, 1972. Language was also added to the regulation to require owners or operators of a source to submit a plan within 30 days of a request for such a plan by the director of the Division of Environmental Management. 2D.0304 was first federally approved on May 31, 1972 (37 FR 10084), and subsequently revised twice, with the latest revision being approved on October 11, 1985 (50 FR 41501).

Regulation 2D.0604, Sources Covered by Implementation Plan Requirements, has been amended to delete an obsolete exemption provision that allowed sources with an approved emissions monitoring system purchased before September 11, 1974, to use that system until April 18, 1982, instead of meeting the new requirements that were adopted

in 1974. 2D.0604 was first federally approved on April 18, 1977 (42 FR 20133), and was revised once, on October 11, 1985 (50 FR 41501).

Regulation 2D.0608, Program Schedule, was amended to delete an obsolete schedule that required sources to submit programs for complying with self-monitoring requirements by October 15, 1976. 2D.0608 was first federally approved on April 18, 1977 (42 FR 20133), and revised once; the revision was approved on October 11, 1985 (50 FR 41501).

Regulation 15 NCAC 2D.0606, Other Coal or Residual Oil Burners, was amended to correct a cross-reference in the statutory authority. 2D.0606 was first federally approved on April 18, 1977 (42 FR 20133), and revised twice, with the latest revision being approved on November 19, 1986 (51 FR 41786).

The preceding amendments are very minor in scope and are of a bookkeeping nature. Consequently, EPA views these regulatory changes as approvable for amendments to the SIP for North Carolina.

Section 111(d) Plan Amendments

Regulation 15 NCAC 2D.0528, Total Reduced Sulfur from Kraft Pulp Mills, was first approved as part of North Carolina's 111(d) Plan for Designated Facilities and Pollutants on July 8, 1983 (48 FR 31407) and amended on July 18, 1986 (51 FR 41788). The original plan contained a compliance schedule which called for final compliance for affected facilities by December 1, 1985. This compliance schedule is now obsolete and consequently is being removed. 2D.0528 is also being amended to make a minor spelling correction.

Regulation 15 NCAC 2D.0529, Fluoride Emissions from Primary Aluminum Reduction Plants, was first federally approved as part of North Carolina's 111(d) plan on December 29, 1981 (46 FR 62852) and amended on July 18, 1986 (51 FR 41788). The original rule contained a compliance schedule which called for final compliance by June 1, 1983. This schedule, which is now obsolete, has been removed. 2D.0529 has also been amended to correct a cross-reference.

The preceding amendments to 2D.0528 and 2D.0529 are minor changes of a bookkeeping nature. Consequently, EPA views these regulatory changes as approvable for amendments to the 111(d) Plan for North Carolina.

EPA is publishing this action without prior proposal because the Agency views it as a noncontroversial amendment and anticipates no adverse comments. This action will be effective February 10, 1989, unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective February 10, 1989.

Final Action

In view of the minor nature of the previously discussed regulatory changes, EPA is today approving the changes to Regulations 15 NCAC 2D.0103, 2D.0304, 2D.0604, 2D.0606, 2D.0608, 2D.0607, 2D.0528, and 2D.0529.

Under 5 U.S.C. section 605(b), I certify that these revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by February 10, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 62

Administrative practice and procedure, Air pollution control, Aluminum, Paper and paper products industry, Fluoride, Reporting and recordkeeping requirements.

Note.—Incorporation by reference of the State Implementation plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1982.

Date: November 9, 1988.

Lee M. Thomas,

Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart II—North Carolina

2. Section 52.1770 is amended by adding paragraph (c)(60) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(60) Revisions to 15 NCAC 2D.0103, Copies of Referenced Federal Regulations; 2D.0304, Preplanned Abatement Program; 2D.0604, Sources Covered by Implementation Plan Requirements; 2D.0606, Other Coal or Residual Oil Burners; 2D.0608, Program Schedule; and 2H.0607, Copies of Referenced Documents, were submitted by the North Carolina Department of Natural Resources and Community Development on May 2, 1988.

(i) Incorporation by reference.

(A) Letter of May 2, 1988 from the North Carolina Department of Natural Resources and Community Development and revised regulations 15 NCAC 2D.0103(a)(6), 2D.0304(a), 2D.0604(b), 2D.0606(a)(4)(E), 2D.0608(b), and 2H.0607(a)(6), adopted by the North Carolina Environmental Management Commission on April 14, 1988.

(ii) Additional material—none.

Part 62 of Chapter I, Title 40, Code of Federal Regulations in amended as follows:

PART 62—[AMENDED]

3. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

4. Section 62.8350 is amended by adding paragraph (b)(6) to read as follows:

§ 62.8350 Identification of plan.

* * * * *

(b) * * *

(6) Revisions to regulations 15 NCAC 2D.0528(c), (f), (g), and (h)—Total Reduced Sulfur from Kraft Pulp Mills, and 2D.0529 (a) and (c)—Flouride Emissions from Primary Aluminum Reduction Plants, were submitted by the North Carolina Department of Natural Resources and Community Development on May 2, 1988, following adoption by the North Carolina Environmental Management Commission on April 14, 1988.

[FR Doc. 88–27197 Filed 12–9–88; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6818]

List of Communities Eligible for the Sale of Flood Insurance; Florida et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706. Phone: (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717. Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measurements aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the last column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Florida: Hernando County, Unincorporated Areas	120110	Aug. 27, 1974, Emerg.; Apr. 17, 1984, Reg.; Sept. 30, 1988, Susp.; Oct. 25, 1988, Rein.	4-17-84
Iowa: Garber, City of, Clayton County	190076	Mar. 7, 1975, Emerg.; Aug. 1, 1986, Reg.; June 3, 1988, Susp.; Nov. 2, 1988, Rein.	8-1-86
Idaho: Rockland, City of, Power County	160110	Dec. 11, 1975, Emerg.; Apr. 1, 1977, Reg.; July 4, 1988, Susp.; Nov. 2, 1988, Rein.	4-1-77
New York: Gainesville, Village of, Wyoming County	361511	June 27, 1975, Emerg.; Feb. 15, 1985, Reg.; Sept. 16, 1988, Susp.; Nov. 3, 1988, Rein.	2-15-85
Oklahoma: Manitou, Town of, Tillman County	400302	Nov. 26, 1976, Emerg.; Aug. 3, 1982, Reg.; Aug. 4, 1988, Susp.; Nov. 4, 1988, Rein.	8-3-82
Florida: Haines City, City of, Polk County	120266	May 28, 1975, Emerg.; Sept. 16, 1981, Reg.; Mar. 4, 1988, Susp.; Nov. 4, 1988, Rein.	9-16-81
Maryland: Worcester County, Unincorporated Areas	240083	Jan. 29, 1971, Emerg.; Feb. 15, 1979, Reg.; Oct. 18, 1988, Susp.; Nov. 7, 1988, Rein.	2-15-79
Florida: Longwood, City of, Seminole County	120292	Mar. 12, 1975, Emerg.; Mar. 18, 1980, Reg.; Oct. 18, 1988, Susp.; Nov. 11, 1988, Rein.	3-18-80
New York: Hannibal, Village of, Oswego County	360652	Oct. 29, 1974, Emerg.; Apr. 1, 1987, Reg.; Sept. 16, 1988, Susp.; Nov. 11, 1988, Rein.	4-1-87
Idaho: Kooskia, City of, Idaho County	160070	Apr. 4, 1975, Emerg.; Mar. 18, 1985, Reg.; Mar. 18, 1985, Susp.; Nov. 14, 1988, Rein.	3-18-85
New Mexico: Lordsburg, City of, Hidalgo County	350026	Mar. 19, 1974, Emerg.; Sept. 1, 1978, Reg.; Aug. 16, 1988, Susp.; Nov. 14, 1988, Rein.	9-1-87
Washington: Asotin County, Unincorporated Areas	530007	Nov. 11, 1988, Emerg.; Nov. 11, 1988, Reg	1-6-88
Mississippi: D'Iberville, City of, Harrison County.[1]	280336	Nov. 14, 1988, Emerg.; Nov. 14, 1988, Reg	
Kentucky:			
Mentor, City of, Campbell County	210275	Feb. 21, 1975, Emerg.; Mar. 4, 1980, Reg.; Oct. 18, 1988, Susp.; Nov. 15, 1988, Rein.	3-4-80
Hawesville, City of, Hancock County	210239	May 19, 1975, Emerg.; Nov. 5, 1986, Reg.; Nov. 5, 1986, Susp.; Nov. 17, 1988, Rein.	11-5-86
Texas: Trinidad, City of, Henderson County	480333	Sept. 23, 1975, Emerg.; Jan. 16, 1979, Reg.; Sept. 2, 1988, Susp.; Nov. 18, 1988, Rein.	1-16-79

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Florida:			
Malabar, Town of, Brevard County	120024	Aug. 28, 1974, Emerg.; Sept. 28, 1979, Reg.; Oct. 18, 1988, Susp.; Nov. 18, 1988, Rein.	9-30-82
Melbourne Beach, Town of, Brevard County	125128	Jan. 15, 1971, Emerg.; Sept. 30, 1982, Reg.; Oct. 18, 1988, Susp.; Nov. 10, 1988, Rein.	9-30-82
Arkansas: Reed, Town of, Desha County	050070	July 3, 1975, Emerg.; Nov. 23, 1982, Reg.; Aug. 16, 1988, Susp.; Nov. 28, 1988, Rein.	11-23-82
Pennsylvania: New Britain, Township of, Bucks County	420987	Apr. 18, 1973, Emerg.; Mar. 4, 1988, Reg.; Mar. 4, 1988, Susp.; Nov. 28, 1988, Rein.	3-4-88
Tennessee: Blaine, City of, Grainger County	470398	Nov. 26, 1988, Emerg	
Region I			
Maine:			
Bucksport, Town of, Hancock County	230065	Nov. 4, 1988, Suspension Withdrawn	11-4-88
Ellsworth, City of, Hancock County	230066	do	11-4-88
Region III			
Pennsylvania:			
Conway, Borough of, Beaver County	420107	do	11-4-88
Mead, Township of, Warren County	422123	do	11-4-88
Ohio, Township of, Allegheny County	421089	do	11-4-88
West Virginia:			
Friendly, Town of, Tyler County	540259	do	11-4-88
Middlebourne, Town of, Tyler County	540195	do	11-4-88
Sistersville, City of, Tyler County	540197	do	11-4-88
Tyler County, Unincorporated Areas	540277	do	11-4-88
Region IV			
Florida: Waldo, City of, Alachua County	120003	do	11-4-88
Region V			
Florida: Waldo, City of, Alachua County	120003	do	11-4-88
Illinois: Clark County, Unincorporated Areas	170940	do	11-4-88
Ohio: Geauga County, Unincorporated Areas	390190	do	11-4-88
Wisconsin: Montreal, City of, Iron County	550184	do	11-4-88
Ohio: Rittman, City of, Wayne and Medina Counties	390578	do	11-4-88
Michigan: Grosse Pointe, City of, Wayne County	260228	do	11-4-88
Region VII			
Missouri: Marshall, City of, Saline County	290403	do	11-4-88
Region I			
Connecticut: North Canaan, Town of, Litchfield County	090149	Nov. 18, 1988, Suspension Withdrawn	11-18-88
Maine: Machias, Town of, Washington County	230140	do	11-18-88
Massachusetts: Walpole, Town of, Norfolk County	250254	do	11-18-88
Region III			
Pennsylvania: Findlay, Township of, Allegheny County	421286	do	11-18-88
Region IV			
Florida: St. Augustine, City of, St. Johns County	125145	do	11-18-88
North Carolina: Guilford County, Unincorporated Areas	370111	do	11-18-88
Region VI			
Texas: Fort Worth, City of, Tarrant and Denton Counties	480596	do	11-18-88

[1] The City of D'Iberville has adopted Harrison County's Flood Insurance Study with accompanying maps that became effective on June 15, 1984 for floodplain management and flood insurance purposes.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension; Rein.—Reinstatement.

Issued: December 7, 1988.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 88-28443 Filed 12-9-88; 8:45 am]

BILLING CODE 6718-21-M

Proposed Rules

Federal Register
Vol. 53, No. 238
Monday, December 12, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 88-197]

Interstate Movement of Citrus Fruit and Calamondin and Kumquat Plants From Florida

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of reopening and extension of comment periods.

SUMMARY: We are reopening and extending the comment periods for two documents: (1) A proposal to revise the "Citrus Canker" regulations and (2) an interim rule that amended the nursery inspection provisions of those regulations. Extending these comment periods will give interested persons additional time to prepare comments.

DATE: Consideration will be given only to written comments that are postmarked or received on or before December 27, 1988.

ADDRESSES: Send an original and two copies of written comments to Regulatory Analysis and Development, APHIS, USDA, Room 728 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please specify the document to which your comments are addressed, that is, either Docket 88-105 or Docket 88-180. Comments received may be inspected at USDA, 14th and Independence Avenue, SW., Room 1141, South Building, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Eddie W. Elder, Chief Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, Room 661, Federal Building, 6505 Belcrest Rd., Hyattsville, MD 20782; 301-436-6365.

SUPPLEMENTARY INFORMATION: On October 21, 1988, we published in the **Federal Register** (53 FR 41538-41549, Docket 88-105) a proposal to revise the "Citrus Canker" regulations, contained in 7 CFR Part 301, Subpart 301.75. Comments on the proposal were to be postmarked or received on or before November 21, 1988. On November 8, 1988, we published in the **Federal Register** (53 FR 45071-45073, Docket 88-180) an interim rule that amended the nursery inspection provisions of the "Citrus Canker" regulations. Comments on this docket also were to be postmarked or received on or before November 21, 1988.

In response to a request from a commenter, we are reopening the comment period for our proposed rule, Docket 88-105. In conjunction with this action, we are also reopening the comment period for Docket 88-180. We will consider all written comments on these dockets that are postmarked or received on or before December 27, 1988. The new deadline will give interested persons additional time to prepare comments.

Done in Washington, DC, this 7th day of December, 1988.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 88-28515 Filed 12-9-88; 8:45 am]
BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 971

[FV-89-007]

Lettuce Grown in Lower Rio Grande Valley in South Texas; Proposed Amendment to Continuing Handling Regulation To Authorize a New Container and Change the Effective Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize a new carton for shipping South Texas lettuce and change the beginning of the effective period of the handling regulation from December 1 to November 15. The intent of these actions is to meet the industry's need for a container of the proper dimensions for palletization and to make the effective period of the handling regulation coincide with the shipping season.

DATE: Comments must be received by January 11, 1989.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal to: Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2085-S, Washington, DC 20090-6456. Three copies of all written material shall be submitted, and they will be made available for public inspection at the office of the Docket Clerk during regular business hours. All comments should reference the date and page number of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Todd A. Delello, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone (202) 475-5610.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971), as amended, regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. The agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 through 674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposal on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 10 handlers of South Texas lettuce subject to regulation under the marketing order, and approximately 30 producers in the production area. The Small Business

Administration (13 CFR 121.2) has defined small agricultural producers as those having annual gross revenue for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of South Texas lettuce may be classified as small entities.

As of October 14, 1988, estimated South Texas lettuce acreage planted was 1,086 acres compared to 476 acres at the same time in 1987. Total plantings for the 1988–89 season are expected to approximate 2,500 acres, which is up considerably from last year's total of 1,629 acres. Total shipments of South Texas lettuce for the 1987–88 crop were approximately 738,000 cartons. Total shipments for the 1988–89 crop are projected by the committee at 750,000 cartons. The majority of the crop is shipped to the fresh markets, with only a small volume utilized by processors.

The handling requirements for South Texas lettuce are specified in § 971.322 (51 FR 2, January 2, 1986). The current requirements for South Texas lettuce specify the inside dimensions of the four containers that may be used to pack lettuce and the number of heads that may be packed per container. Additionally, inspection is required and packaging lettuce on any Sunday or on Christmas Day is prohibited.

This proposed rule would authorize a new container for shipping South Texas lettuce and change the beginning of the effective period for the handling regulation for December 1 to November 15. These changes were unanimously recommended by the South Texas Lettuce Committee.

The four containers currently authorized under the handling regulation do not have the correct dimensions necessary to be properly stacked on pallets. The recommended new container, with inside dimensions of 23¼ inches (length) × 15¼ inches (width) × 10⅜ inches (depth), is of proper size to be palletized. The dimensions of a standard pallet are 48 inches (length) × 40 inches (width). The recommended container would be stacked in layers of five on the pallet and 100 percent pallet utilization would be possible when using such container.

The majority of lettuce shipped from California and Arizona, the top two lettuce producing States, is shipped on pallets. The use of pallets reduces the handling of individual containers, which in turn reduces damage caused by excessive handling and reduces handling costs. Palletized loads are preferred by produce warehouses and retail outlets because of the ease of loading and unloading palletized merchandise by fork lifts and pallet jacks. Authorizing a container of the correct size to be palletized should facilitate the efficient movement of lettuce from the packinghouse to the consumer.

The use of this container would enable lettuce shippers to take advantage of the benefits derived by the use of pallets. Texas lettuce shippers would also be able to fill orders for palletized loads and compete with California and Arizona shippers for this market. The proposed container is designated as carrier container No. 79–47, which is consistent with the manufacturers identification number. In addition, the proposed regulation would require that only 18, 24, or 30 heads of wrapped and unwrapped lettuce may be packed in this container. Packing 24 or 30 heads of lettuce in the proposed container is the industry norm. However, the committee believes it is necessary to include the 18-count limit to allow for packing larger heads of lettuce.

In recent years, the shipping season for South Texas lettuce has begun in late November rather than early December. This shift has been caused by changes in cultural practices, such as the use of black plastic and the transplanting of seedlings. The committee has recommended that the beginning of the effective period for the handling regulation be changed from December 1 to November 15 wo that it will coincide with the shipping season. This action will ensure the uniform application of marketing order requirements to all shipments of South Texas lettuce.

Based on the above, the Administrator of AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

A 30-day comment period is provided to allow interested persons sufficient time to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 971

Marketing agreements and orders, Lettuce, South Texas.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 971 be amended as follows:

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

1. The authority citation for 7 CFR Part 971 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31 as amended; 7 U.S.C. 601–674.

2. Section 971.322 is amended by revising the introductory text, redesignating paragraphs (a)(4) and (a)(5) as (a)(5) and (a)(6), respectively, and adding new paragraphs (a)(4) and (b)(3) to read as follows:

§ 971.322 Handling regulation.

During the period beginning November 15 and ending March 31 each season, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), and (c) of this section, or unless such lettuce is handled in accordance with paragraph (d) or (e) of this section. Further, no person may package lettuce during the above period on any Sunday, or on Christmas Day unless approved in accordance with paragraph (f) of this section.

(a) * * *

(4) Cartons with inside dimensions of 10⅜ inches × 15¼ inches × 23¼ inches (designated as carrier container No. 79–47), or

* * * * *

(b) * * *

(3) Lettuce heads in carrier container No. 79–47 may be packed only 18, 24, or 30 heads per container.

Dated: December 7, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 88–28450 Filed 12–9–88; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Policy Statement on Exemptions From Regulatory Control

AGENCY: Nuclear Regulatory Commission.

ACTIONS: Advance notice of proposed statement and meeting.

SUMMARY: The NRC is in the process of developing a broad policy on exemptions from regulatory control for practices whose health and safety impacts could be considered below regulatory concern. This policy statement would provide for more efficient and consistent regulatory actions in connection with exemptions from various specific Commission requirements. The Commission, in formulating this Advance Notice, is seeking public input on some specific

questions which are key considerations in developing such a policy. The NRC staff will conduct a meeting to inform the public of its intentions, specifically to clarify and answer questions concerning the advance notice, and to hear preliminary views concerning a policy for exemptions with emphasis on the specific questions raised by the Commission.

DATES: Meeting to be held on January 12, 1989. Written comments should be submitted by January 30, 1989. Comments received after this date will be considered if it is practical to do so, but assurance of consideration can only be given as to comments received on or before this date.

ADDRESSES: Meeting will be held at the Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814 (4 blocks north of the Bethesda Metro Station). Telephone: (301) 652–2000, 1–800–465–4329. Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, Attention: Docketing and Service Branch. Comments may be delivered to 11555 Rockville Pike, Rockville, MD between 7:30 a.m. and 4:15 p.m. weekdays. Copies of the comments received may be examined and copied for a fee at the NRC Public Document Room at 2120 L Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Catherine R. Mattsen, telephone (301) 492–3638, or William R. Lahs, telephone (301) 492–3774, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC, 20555.

SUPPLEMENTARY INFORMATION:

International Workshop

In addition to conducting this public meeting, the Commission has sought input from the international regulatory community through an international workshop on exemptions from regulatory control which was held October 17–19, 1988 in Washington, DC. The importance of such interaction stems from the fact that many existing and potential exemptions involve radioactive materials purposefully used in consumer products or introduced into various products or materials through the recycling of contaminated scrap, either of which may enter international trade. Even effluents and waste disposal can involve exposures to people in countries other than those from which the effluent or waste originated. This aspect is a significant issue in the European community. Thus, some degree of consistency internationally is desirable, since exemption decisions can affect populations outside each country's border. It is hoped that exchanges of ideas and information such as occurred at the international workshop will, besides providing one avenue of input to the Commission's actions, lead toward a greater degree of consistancy in such exemptions world-wide. At the international workshop, the "Advance Notice of the Development of a Commission Policy on Exemptions from Regulatory Control for Practices Whose Public Health and Safety Impacts are Below Regulatory Concern", presented in this notice, was made available for discussion. The transcript of the international workshop which includes all the papers presented at the meeting may be examined and copied for a fee at the NRC Public Document Room at 2120 L Street, NW., Washington, DC.

Advance Notice of the Development of a Commission Policy

Introduction and Purpose

Over the last several years, the Commission has become increasingly aware of the need to provide a general policy on the appropriate criteria for release of radioactive materials from regulatory control. To address this need, the Commission is expanding upon its existing policy for protection of the public from radiation, currently expressed in existing regulations (Title 10, Code of Federal Regulations) and policy statements (30 FR 3462, Use of Byproduct Material and Source Material, dated March 16, 1965; 47 FR 57446, Licensing Requirements for Land Disposal of Radioactive Waste, dated December 27, 1982; and 51 FR 30839, General Statement of Policy and Procedures Concerning Petitions Pursuant to § 2.802 for Disposal of Radioactive Waste Streams Below Regulatory Concern, dated August 29, 1986). The expansion includes the development of an explicit policy on the exemption from regulatory control of practices whose public health and safety impacts are below regulatory concern. A practice is defined in this policy as an activity or a set or combination of a number of similar sets of coordinated and continuing activities aimed at a given purpose which involve the potential for radiation exposure. Under this policy, the definition of "practice" is a critical feature which will assure that the formulation of exemptions from regulatory control will not allow deliberate dilution of material or fractionation of a practice for the purpose of circumventing controls that would otherwise be applicable.

The purpose of this policy statement is to establish the basis upon which the Commission may initiate the development of appropriate regulations or make licensing decisions to exempt from regulatory control persons who receive, possess, use, transfer, own, or acquire certain ratioactive material. This policy is directed principally toward rulemaking activities, but may be applied to license amendments or license applications involving the release of licensed radioactive material either to the environment or to persons who would be exempt from Commission regulations. It is important to emphasize that this polciy does not assert an absence or threshold of risk but rather establishes a baseline where further government regulations to reduce risks is unwarranted.

The concept of regulatory exemptions is now new. For example, in 1960 and 1970, the Commission promulgated tables of exempt quantities and concentrations for radioactive material which a person, under certain circumstances, could recieve, possess, use, transfer, own, or acquire without a requirement for a license (25 FR 7875; August 17, 1960 and 35 FR 6426; April 22, 1970). Other exemptions allowing distribution of consumer products or other devices to the general public, or allowing releases of radioactive material to the environment, have been embodied in the Commission's regulations for some time. More recently, the Low Level Radioactive Waste Policy Amendments Act of 1985 directed the Commission to develop standards and procedures for expeditious handling of petititons to exempt from regulation the disposal of slightly contaminated radioactive waste material that the Commission determined to be below regulatory concern. The Commission responded to this legislation by issuing a policy statement on August 29, 1986 (51 FR 30839). That statement contained criteria which, if satisfactorily addressed in a petition for rulemaking, would allow the Commission to act expeditiously in proposing appropriate regulatory relief on a "practice-specific" basis consistent with the merits of the petition.

The Commission believes that these "practice-specific" exemptions should be encompassed within a broader NRC policy which defines levels of radiation risk below which specified practices would not require NRC regulation based on public health and safety interests. For such exemption practices, the Commission's regulatory involvement could therefore be essentially limited to licensing, inspection, and compliance activities associated with the transfer of

the radioative material from a controlled to an exempt status.

The Commission recognizes that, if a national policy on exemptions from regulatory control is to be effective, Agreement States will pay an important implementation role. In the past, States have been encouraging findings that certain wastes are below regulatory concern and the Commission believes that States will support an expansion of these views to all practices involving exempt distribution or release of radioactive material. The Commission intends that rulemakings codifying regulatory control exemptions will be made a matter of compatibility for Agreement States. Consequently, any rulemakings that evolve from this policy will be coordinated with the States.

Advisory and scientific bodies have offered diverse views to the Commission in anticipation of this Policy Statement. There is not clear consensus based on existing scientific evidence or research regarding the selection of numerical criteria for use in this Policy Statement. Further, the Commission is aware that there are differing views within the NRC staff on the selection of numerical criterial for BRC.

In the absence of a scientific consensus, it is the Commission's task to assess the diversity of views in establishing a responsible BRC policy. The authority and responsibility to make the final selection of criteria rests with the Commission. Criteria selected must: (1) Provide reasonable assurance that public health and safety will be protected, and (2) consistent with such assurance, permit practices in the public domain which involve the use of radioisotopes for which society perceives a demand.

It is recognized that there is a delicate balance here. Criteria can be set sufficiently restrictive such that there is absolute assurance that health and safety will always be protected, no matter what events might transpire. However, in doing so, the regulator may then place undue and unnecessary restrictions on practices which should be permitted because of otherwise reasonable social, economic, or industiral considerations. There is always the danger of over-regulation which results in effects that are felt in areas where the NRC does not have authority and responsibility. Moreover, the Atomic Energy Act does not require absolute assurances of safety in the use of radioactive material and licensed facilities.

The numerical criteria ultimately selected will have significant impact on nuclear regulation here in the United States and potentially in the international community. The values under consideration in this Policy Statement do not necessarily agree with those selected or under consideration by other countries. The Commission has carefully reviewed those alternate criteria, and does not find significant scientific evidence that would dictate preferential selection of any of those views over what is proposed in this Policy Statement.

Radiation Protection Principles

The Commission recognizes that three fundamental principles of radiation protection have historically guided the formulation of a system of dose limitation to protect workers and the public from the potentially harmful effects of radiation. They are: (1) Justification of the practice, which requires that there be some net benefit resulting from the use of radiation or radioactive materials, (2) dose limits, which define the upper boundary of adequate protection for a member of the public which should not be exceeded in the conduct of nuclear activities, and (3) ALARA, which requires that radation dose be as low as is reasonably achievable, economic and social factors being taken into account. The term, ALARA, is an acronym for As Low As is Reasonably Achievable. The Commission is interested in assessing how these principles should be applied in establishing appropriate criteria for release of radioactive materials from regulatory control.

Because of the absence of observed health effects below 5 rem/year (50 mSv/year), scientific experts including the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP) make the assumption that the frequency of occurrence of health effects per unit does at low dose levels is the same as at high doses (10 RAD (0.1 Gy)) where health effects have been observed and studied in humans and animals. This linear non-threshold hypothesis assumes that the risk of radiation induced effects (principally cancer) is linearly proportional to dose, no matter how small the dose might be. The coefficient used in the model as a basis for estimating statistical health risk is on the order of 2×10^{-4} risk of fatal cancer per person-rem of radiation does (2×10^{-2} per SV). The Commission recognizes that it is a conservative model based upon data collected at relatively high doses and dose rates which is then extrapolated to the low dose and dose rate region where there are no statistically reliable epidemiological data available. Alternative hypotheses have been proposed and reevaluations of the data base at higher doses continue. The Commission believes that use of the linear non-threshold hypothesis allows the theoretical establishment of upper limits on the number of heatlh effects that might occur at very low doses which are the subject of the exemption policy.

The risk of death to an individual, as calculated using the linear model, is shown in Table 1 for various defined levels of individual dose. A radiation exposure of 10 mrem per year (0.1 mSv per year) for a lifetime corresponds theoretically to an increase of 0.1% of the individual's annual risk of cancer death. The lifetime risk is based upon the further assumption that the exposure level is the same for each year of a 70-year lifetime.

In estimating the dose rates to members of the public that might arise through the use of various practices for which exemptions are being considered, the Commission has decided to apply the concept of the "effective dose equivalent." This concept, which is based on a comparison of the delayed mortality effects of ionizing radiation exposures, permits through use of weighting factors, the calculation of the whole body dose equivalent of partial body exposures. This approach was originally developed by the International Commission on Radiological Protection and was first expressed in its Publication 26 issued in 1977. Since that time, the concept has been reviewed and evaluated by radiation protection organizations throughout the world and has gained wide acceptance.

TABLE 1 [1]

Incremental annual dose	Incremental annual risk	Lifetime risk from continuing annual dose
100 mrem [3]	$2X10^{-5}$	$1X10^{-3}$
10 mrem [2]	$2X10^{-6}$	$1X10^{-4}$
1 mrem	$2X10^{-7}$	$1X10^{-5}$
0.1 mrem	$2X10^{-8}$	$1X10^{-6}$

[1] Risk coefficient of $2X10^{-4}$ per rem ($2X10^{-2}$ per Sv) based upon publications of the ICRP.

[2] For purposes of comparison, the annual risk to an individual of dying from cancer from all sources in the U.S. is 1 in 500. The additional risk to an individual of dying from cancer when exposed to 10 mrem (0.1 mSv) is 2 in one million.

[3] Unless otherwise indicated, the expression of dose in mrem refers to the Total Effective Dose Equivalent. This term is the sum of the deep dose equivalent for sources external to the body and the committed effective dose equivalent for sources internal to the body.

The Commission recognizes that it is impossible to measure risk to individuals or populations directly, and,

that in most situations, it is impractical to measure annual doses to individuals at the low levels implied by exemption decisions. Typically, radioisotope concentrations or radiation levels from the material to be exempted are the actual measurements that can be made, and doses are then estimated by exposure pathway analysis combined with other types of assumptions related to the ways in which people might become exposed. Under such conditions, conservative assumptions are frequently used in modeling so that the actual dose is on the low side of the calculated dose. The Commission believes that this is the appropriate approach to be taken when determining if an exemption from regulatory controls is warranted.

Collective dose is the sum of the individual doses resulting from a practice or source of radiation exposure. By assigning collective dose a monetary value, it can be used in cost benefit and other quantitative analysis techniques. It is a factor to consider in balancing benefits and societal impact.

Considerations in Granting Exemptions From Regulatory Control

The following elements are being considered by the Commission as a basis for evaluating practices which are proposed to be exempt from regulatory control. These practices, if approved, would result in products containing low levels of radioactive material being distributed to the general public and radioactive effluents and solid waste being released to areas of the publicly-accessible environment.

• Justification—The Commission seeks comment on the extent to which exposures resulting from any practice should be justified. As lower levels of radiation exposure are projected, should lower levels of benefit be required for practice justification? In establishing its exemption policy, should the Commission exclude certain practices for which there appears to be no reasonable justification? In considering proposals for exemptions, should the Commission evaluate the social acceptability of practices? Should the Commission determine a practice to be unjustified if nonradioactive economical alternatives exist?

• Dose Limits and Criterion—Individual doses from practices exempted under this policy should not be allowed to exceed 100 mrem per year (1 mSv per year). This is the dose limit for members of the public specified in the final revision of 10 CFR Part 20, Standards for Protection Against Radiation. The dose limits in the final revision of 10 CFR Part 20 apply to all sources of radiation exposure under a licensee's control (natural background and medical exposures are excluded). Because of the small risks involved, a 10 mrem (0.1 mSv) individual dose criterion is proposed as the basis for exemption decisions based on simple analysis and judgements. The Commission specifically seeks comment on the need for establishing a collective dose limit in addition to an individual dose criterion. If such a collective dose criterion is needed, what is the basis for this need? If the Commission decides that a collective dose criterion is needed, what approaches allowing truncation of individual dose in calculation of collective dose or weighting factors for components of collective dose would be appropriate? What alternatives should be considered for assessing societal impact?

• ALARA—The ALARA principle generally applies to determining dose levels below which exemptions may be granted on a cost-benefit basis. However, it is the purpose of this policy to establish criteria which would, in effect, delineate achievement of ALARA without cost-benefit analysis.

Although it is possible to reasonably project what the dose will be from a practice, and then take this information into account in controlling regulated practices so that the dose limits are not exceeded, exemptions imply some degree of loss of control. The Commission believes that a key consideration in establishing a policy for exemptions, and subsequently in specific rulemaking or licensing decisions, is the question of whether individuals may experience radiation exposure approaching the limiting values through the cumulative effects of more than one practice, even though the exposures from each practice are only small fractions of the limit. The Commission specifically seeks comment on the issue. By appropriate choices of exemption criteria and through its evaluations of specific exemption proposals in implementing the policy, the Commission intends to assure that it is unlikely that any individual will experience exposures which exceed the 100 mrem per year (1 mSv per year) limit.

Principles of Exemption

A major consideration in exempting any practice from regulatory control hinges on the general question of whether or not application or continuation of regulatory controls are necessary and cost effective in reducing dose. To determine if exemption is appropriate, the Commission must determine if one of the following conditions is met:

1. The application or continuation of regulatory controls on the practice does not result in any significant reduction in the dose received by individuals within the critical group and by the exposed population or;

2. The costs of the regulatory controls that could be imposed for dose reduction are not balanced by the commensurate reduction in risk that could be realized.

For purposes of implementing its policy, the Commission recognizes that only under unusual circumstances would practices which cause radiation exposures approaching the 100 mrem per year (1 mSv per year) limit be considered as candidates for exemption. The Commission will consider such circumstances on a case specific basis using the general principles outlined in this policy statement. However, as the doses and attendant risks to members of the exposed population decrease, the need for regulatory controls decreases and the analysis needed to support a proposal for exemption can reasonably be somewhat simplified.

The Commission is evaluating the use of two numerical criteria in defining the region where ALARA has been achieved. They are: (a) A criterion for the maximum individual annual dose reasonably expected to be received as a result of the practice and (b) a measure of societal impact to the exposed population. These criteria are being considered to assure that, for a given exempted practice, no individual will be exposed to a significant risk and that the population as a whole does not suffer a significant impact.

If the individual doses from a practice under consideration for exemption are sufficiently small, the attendant risks will be small compared with other societal risks. The Commission believes that annual individial fatality risks below approximately 10^{-5} (one in 100,000) are of little concern to most members of society. Providing for some margin below this level, the Commission proposes 10 mrem (0.1 mSv) as the level of annual individual exposure. The incremental annual individual cancer fatality risk associated with an exposure level of 10 mrem per year (0.1 mSv per year) is about 2×10^{-6} (two in one million) as indicated in Table 1 and of the order of 0.1 percent (one in one thousand) of the overall risk of cancer death.

In evaluating the need for a collective dose criterion, the Commission recognizes that this criterion could be the limiting consideration for practices involving very small individual doses to very large numbers of people. It is also

recognized that in such cases the collective dose criterion would, in effect, apply the ALARA concept to individual doses less than the below regulatory concern level of 10 mrem per year to the individual. Conversely, where the collective dose criterion would not be limiting, it would serve no purpose. The Commission requests comments on this issue, including comments on what the magnitude of the collective dose criterion, if any, should be.

If the dose is less than the below regulatory concern criteria, then the risk from a practice would be considered to be ALARA without further analysis. The Commission stresses that adoption of the criteria should not be construed as a decision that smaller doses are necessary before a practice can be exempted, while doses above the criteria would preclude exemptions. On the contrary, the criteria simply represent a range of risk which the Commission believes is sufficiently small compared to other individual and societal risks that a cost benefit analysis is not required in order to make a decision regarding the acceptability of an exemption. Practices not meeting these criteria may be granted exemptions on a case-by-case basis in accordance with the principles embodied within this policy. To further emphasize the Commission's recognition that a rigid limitation on collective dose would be inappropriate, it notes that for some practices, such as use of smoke detectors, appreciable benefits can only be attained through extensive utilization and, hence, with a commensurate collective dose.

The Commission is aware that existing regulations of the Environmental Protection Agency establish criteria more restrictive than exemptions which could otherwise be granted under this proposed policy. With regard to its own regulations, the Commission will evaluate whether there are exemption criteria embodied therein for which modification, according to the principles of this policy, would be beneficial.

Exclusions From Exemptions

The Commission's March 16, 1965, notice on the Use of Byproduct Material and Source Material-Products Intended for use by General Public (Consumer Products) (30 FR 3462) provides the basis for the Commission's approval of the use of these materials in consumer products without regulatory control on the consumer-user. This is accomplished by case-by-case exemption of the possession and use of approved items from applicable licensing requirements. Approval of a proposed consumer product depends upon an assessment of exposures of persons to radiation as well as an evaluation of the usefulness of the product.

Certain practices involving radiation or radioactive materials have been judged by NRC to be socially unacceptable regardless of how trivial the resulting dose might be and, therefore, have been excluded from exemption. Excluded practices include, but are not limited to, the intentional introduction of radioactive material into toys and products intended for ingestion, inhalation or direct application to the skin (such as cosmetics).

In addition to socially unacceptable uses of radioactive materials, a question also arises regarding uses where there are clear economical alternatives, and no unique benefits exist from using radioactive material. Where risks are trivial, the regulatory prohibition of such uses could pose an unnecessary regulatory burden by interfering with the conduct of business.

The Commission seeks comments on whether practices should be categorically excluded based on the Commission's judgement regarding social acceptability or the existance of alternatives. An alternative to categorical exclusion could be a case specific determination based on a safety analysis.

Proposals for Exemption

A proposal for exemption must provide a basis upon which the Commission can determine if the basic conditions described above have been satisfied. In general, this means that the proposal should address the individual dose and societal impact resulting from the expected activities under the exemption, including the use of the radioactive materials, the pathways of exposure, the levels of activity, and the methods and constraints for assuring that the assumptions used to define a practice remain appropriate as the radioactive materials move from regulatory control to an exempt status.

If a proposal for exemption results in a rule containing generic requirements, a person applying to utilize the exemption would not need to address justification or ALARA. The Commission decision on such proposals will be based on the licensee's meeting the conditions specified in the rule. The promulgation of the rule would, under these circumstances, constitute a finding that the exempted practice is justified, and that ALARA considerations have been dealt with. This approach is consistent with past practice, e.g., consumer product rules in 10 CFR Part 30.

In evaluating proposals for exemption under this policy, the projected exposures to different components of the exposed population will be considered with regard to the potential that some individuals may receive doses near the 100 mrem per year (1 mSv per year) limit when doses from other practices are also taken into consideration. If exposures from multiple practices can occur which are significantly beyond the individual dose criterion (10 mrem per year (0.1 mSv per year)), the exemption will not be granted without further analysis. As experience is gained, this policy and its implementation will be reevaluated with regard to this issue to assure that the exposures to the public remain well below 100 mrem per year (1 mSv per year).

In addition to considerations of expected activities and pathways, the Commission recognizes that consideration must also be given to the potential for accidents and misuse of the radioactive materials involved in the practice. A proposal for exemption of a defined practice must therefore also address the potentials for accidents or misuse, and the consequences of these exceptional conditions in terms of individuals and collective dose.

Verification of Exemption Conditions

The Commission believes that the implementation of an exemption under this broad policy guidance must be accompanied by a suitable program to monitor and verify that the basic considerations under which an exemption was issued remain valid. In most cases, the products or materials comprising an exempted practice will move from regulatory control to the exempt status under a defined set of conditions and criteria. The monitoring and verification program must therefore be capable of providing the Commission with the appropriate assurance that the conditions for the exemption remain valid, and that they are being observed. The Commission will determine compliance with the specific conditions of an exemption through its established licensing and inspection program and will, from time to time, conduct studies as appropriate to assess the impact of an exempted practice or combinations of exempted practices.

Tentative Meeting Agenda

I. Introduction and Summary-NRC Staff

II. Discussion of Specific Questions-Brief NRC Staff summary and presentations or questions from scheduled participants.

A. Application of principle of justification including the questions:

1. As lower levels of radiation exposures are projected, should lower levels of benefit be required for justification of a practice which is a candidate for exemption?
2. In establishing exemption policy, should the Commission exclude certain practices for which there appears to be no reasonable justification?
3. In considering proposals for exemption, should the Commission evaluate social acceptability of the practice?
4. Should the Commission determine a practice to be unjustified if non-radiological economical alternatives exist?

B. Individual dose criterion for determining achievement of the "as low as reasonably achievable" (ALARA) principle in exemption decision-making:

1. Is the 10 mrem/year criterion proposed by the Commission appropriate?
2. Is the appropriateness of this number affected by the decision regarding whether a collective dose criterion should be used with the individual dose criterion?
3. Should the individual dose criterion be chosen on the basis of negligible risk as is done internationally (i.e., IAEA Safety Series No. 89) or can a somewhat higher number be used based on a Commission policy decision regarding a level of individual risk for which expenditure of resources is not warranted?
4. How important is international consistency in choosing an individual dose criterion?

C. Use of a collective dose criterion for determining achievement of the ALARA principle in exemption decision-making:

1. Is a collective dose criterion needed in addition to an individual dose criterion?
2. If so, what is the basis of that need?
3. If the Commission decides a collective dose criterion should be used, what should its magnitude be?
4. What alternative to a collective dose criterion should be considered for assessing societal impact?
5. In calculating collective dose, what approaches allowing truncation of individual doses or the use of weighting factors for components of collective dose are appropriate?

D. Approaches for assuring total exposures of individuals from mutiple practices will not exceed the 100 mrem/year limit.

1. Is the approach of generally limiting individuals doses from each source or practice to a fraction of the overall limit appropriate?
2. Although most exempted sources would be expected to involve individual doses which are a small fraction of the overall limit, should flexibility be maintained by considering exemptions on a cost-benefit basis above 10 mrem/year?
3. Is the evaluation of collective dose important in considering the multiple exposure issue?
4. Will the application of justification of practice help to maintain a smaller number of sources making it easier to control overall exposures?
5. How important is monitoring to maintaining assurance that individual exposures do not exceed to the overall limit?

III. General Discussion/Question Period-Comments or questions by scheduled participants. Open to the floor as time permits.

Those members of the public who wish to participate by speaking at the meeting should notify one of the contacts listed above, so that they can be scheduled in the agenda.

Dated in Rockville, Maryland, this 2d day of December 1988.

Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-28491 Filed 12-9-88; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-ASW-46]

Airworthiness Directives; Sikorsky Aircraft Model S-76 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would require a service life limit on the tail rotor horn on Sikorsky Model S-76 series helicopters. The proposed AD is needed to prevent a fatigue failure of the tail rotor horn which could result in loss of directional control of the helicopter and subsequent loss of the helicopter.

DATE: Comments must be received on or before January 11, 1989.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Rules Docket, Office of the Assistant Chief Counsel, FAA, Fort Worth, Texas 76193-0007, or delivered in duplicate to Office of the Assistant Chief Counsel, Room 158, Building 3B, 4400 Blue Mound Road, Fort Worth, Texas. Comments must be marked: Docket No. 88-ASW-46. Comments may be inspected at the above location between the hours of 8 a.m. and 4 p.m. weekdays, except Federal holidays.

A copy of the applicable service bulletin may be obtained from Sikorsky Aircraft, 600 Main Street, Stratford, Connecticut 06601-1381, or may be examined in the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Donald F. Thompson, Airframe Branch, ANE-152, Boston Aircraft Certification Office, New England Region, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7113.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Forth Worth, Texas, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 88-ASW-46. The postcard will be date/time stamped and returned to the commenter.

As a result of additional fatigue testing by Sikorsky, the FAA has determined that the Sikorsky Model S–76 series helicopter tail rotor horn, Part Number (P/N) 76101–05006, component has a limited service life. A tail rotor horn component fatigue failure could result in the loss of directional control of the helicopter. Since this condition is likely to exist or develop on Sikorsky Model S–76 series helicopters incorporating this design, the proposed AD would require a service life limit be placed on the tail rotor horn component on Sikorsky Model S–76 series helicopters.

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation involves approximately 300 helicopters at an added cost of $16,000 each for every 12,000 flight hours or $1.33 each flight hour. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact, positive or negative, is so minimal; and (4) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the FAA proposes to amend § 39.13 of Part 39 of the FAR as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Sikorsky Aircraft: Applies to Model S–76 series helicopters certificated in any category that are equipped with tail rotor horn P/N 76101–05006.

Compliance is required as indicated, unless already accomplished.

To prevent possible fatigue failure of the tail rotor component, which could result in a reduction of directional control and hazardous tail rotor vibration in the helicopter, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD or before the accumulation of 12,000 hours' time in service, whichever occurs later, replace the tail rotor horn, P/N 76101–05006, with a serviceable tail rotor horn that has not exceeded 12,000 hours' time in service. Thereafter, replace the tail rotor horn P/N 76101–05006, with a serviceable tail rotor horn before the accumulation of 12,000 hours' time in service:

(b) Operators who have not kept records of hours' time in service on individual tail rotor horn component parts must substitute the hours' time in service of the tail rotor blade bonded assembly, P/N 76101–05020 or P/N 76088–20077.

(c) For purposes of complying with this AD, the hours' time in service for the individual tail rotor horn and blade components that were not installed at the time of issuance of the initial rotorcraft airworthiness certificate must be determined from rotorcraft records.

(d) Upon request, an alternate means of compliance which provides a level of safety equivalent to the requirements of this AD may be used when approved by the Manager, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7118.

(e) Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Boston Aircraft Certification Office, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7118, may adjust the compliance time specified in this AD.

Issued in Fort Worth, Texas, on December 1, 1988.

L.B. Andriesen,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 88–28432 Filed 12–9–88; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Organization and Functions; Proposed Consolidation of Tampa, St. Petersburg, and Port Manatee, FL, for Marine Purposes

AGENCY: Customs Service, Treasury.

ACTION: Proposed limited consolidation of ports.

SUMMARY: This document proposes to amend the Customs Regulations to consolidate the ports of entry of Tampa, St. Petersburg, and Port Manatee, Florida, for marine purposes only. If adopted, this change would enable Customs to obtain more efficient use of its personnel, facilities and resources. It would eliminate duplication of port functions and permit better control of staffing resources without impairing services to area businesses or the general public. Moreover, it would simplify vessel entry and clearance procedures and reduce expenses and paperwork for all parties involved, thereby enabling Customs to provide better and more economical service to carriers, importers, and the public.

DATE: Comments must be received on or before February 10, 1989.

ADDRESS: Written comments (preferably in triplicate) may be addressed to the Regulations and Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2119, Washington, DC 20229 (202–566–8237).

FOR FURTHER INFORMATION CONTACT: Joseph O'Gorman, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229 (202–566–9425).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to continue to provide better service to carriers, importers, and the public, Customs proposes to consolidate the ports of entry of Tampa, St. Petersburg, and Port Manatee, Florida, located in the Tampa, Florida, Customs district in the Southeast Customs Region, for marine purposes only.

Because of the close proximity of the respective ports of entry in the Tampa Bay area, and the similar services performed, it was estimated that the proposed consolidation would significantly reduce costs without impairing Customs ability to provide services to area businesses and to the general public. Customs believes that the proposed consolidation will result in a more economical and efficient use of its personnel and resources in carrying out the Customs mission.

Under the present system, a vessel entering Tampa Bay and wishing to touch at more than one port must enter at the first port and obtain a permit to proceed to travel up the bay a short distance to the next port where it also must enter. This is an unnecessary documentation burden on both Customs

and the vessel operators. Under the proposed consolidation, each of the ports, Tampa, St. Petersburg, and Port Manatee, would retain its port code and geographic limits. Although each port would retain its identity, the 3 ports would be designated as a consolidated port in Tampa Bay for purposes of the vessel arrival, entry and clearance laws, which would benefit all the ports. It would not be necessary for vessels entering one of the consolidated ports to obtain a permit in order to proceed to another of the consolidated ports. The original vessels entry documentation would describe the ports which the vessel intended to touch and the cargc to be unladen at each location. In addition, vessel entry could be filed either at the port for which the cargo is destined or at the Tampa District office.

The 3 ports would be considered to be one port for the purposes of the navigation laws. All of the requirements prescribed by the navigation laws administered and enforced by Customs, such as reporting the arrival and making formal entry of vessels arriving at the consolidated marine port from a foreign or another U.S. port (depending upon the vessel's nationality) and obtaining a permit to proceed between the consolidated port and other U.S. ports, would have to be complied with, as is now the case in existing consolidated ports.

It is anticipated that the proposed consolidation will also result in reducing penalties incurred under the navigation laws if carriers fail to enter and properly clear merchandise being shipped in a residue cargo movement within the consolidated marine port, and will reduce paperwork for carriers, importers, and Customs.

If this proposal is adopted, there would be no change in the current geographic limits of each port. However, it will be necessary to amend the list of Customs regions, districts, and ports of entry set forth in § 101.3(b), to reflect the consolidation of these ports for the purposes of the navigation laws.

Executive Order 12291

Because this proposal relates to the organization of Customs, it is not a regulation or rule subject to E.O. 12291.

Regulatory Flexibility Act

It is certified that the provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604), are not applicable to this proposal because it will not have a significant economic impact on a substantial number of small entities.

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although the proposal may have a limited effect upon some small entities in the affected areas, it is not expected to be significant because changes in the Customs field organization in other areas have not had a significant economic impact upon a substantial number of small entities to the extent contemplated by the Act. Nor is it expected to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Exports, Imports, Organization and functions (Goverment agencies).

PART 101—GENERAL PROVISIONS

If the proposed consolidation of the ports of Tampa, St. Petersburg, and Port Manatee, Florida, for the purposes of the navigation laws, is adopted, the list of Customs regions, districts, and ports of entry in § 101.3(b), Customs Regulations (19 CFR 101.3(b)), will be amended as follows:

§ 101.3 [Amended]

In the Southeast Region-Miami, Fla., under the column headed "Name and headquarters," the following phrase would be added under the listing "Tampa, Fla." (The ports of Tampa, St. Petersburg, and Port Manatee, consolidated for purposes of the navigation laws. See T.D. 89-_____, 54 FR ____, 1989.)

The authority citation for Part 101 continues to read as follows:

Authority: R.S. 251, as amended, sec. 624, 46 Stat. 759, 77A Stat. 14, 79 Stat. 1317; 5 U.S.C. 301, 19 U.S.C. 66, 1202 (Gen. H'dnote. 11), 1624, Reorganization Plan of 1965; 3 CFR 1965 Supp.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations and Disclosure Law Branch, Room 2119, Customs Headquarters, 1301 Constitution Avenue NW., Washington, DC 20229.

Authority

This change is proposed under 19 U.S.C. 66 and 1624 as well as the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order 10289, September 17, 1951 (3 CFR 1949–1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 101–5 (47 FR 2449).

Drafting Information

The principal author of this document was Earl Martin, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Michael H. Lane,

(Acting) Commissioner of Customs.

Approved: November 4, 1988.

Salvatore R. Martoche,

Assistant Secretary of the Treasury.

[FR Doc. 88–28464 Filed 12–9–88; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

26 CFR Part 1

[INTL–41–88]

Allocation and Apportionment of Deduction for State Income Taxes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary Income Tax Regulations relating to the allocation and apportionment of deductions for state income taxes in computing taxable income from sources inside and outside the United States. The text of those

temporary regulations also serves as the text for this Notice of Proposed Rulemaking.

DATES: Written comments and requests for a public hearing must be delivered or mailed by February 10, 1989. This regulation is proposed to be effective on the date that final regulations are published in the **Federal Register.**

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:CORP:T:R (INTL–41–88), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: David F. Chan of the Office of the Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224 (Attn: CC:CORP:T:R) (202–634–5404, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary Income Tax Regulations in the Rules and Regulations portion of this issue of the **Federal Register** supplement the Income Tax Regulations (26 CFR Part 1) under sections 861(b), 862(b), and 863(a) of the Internal Revenue Code. These temporary Income Tax Regulations add paragraph (e)(6) and examples (25) through (29) of paragraph (g) of § 1.861–8T. Paragraph (e)((6)(i) of § 1.861–8T as promulgated herein restates the previously promulgated general principle that state, local and foreign income, war profits and excess profits taxes are definitely related and allocable to the gross income with respect to which such taxes are imposed. Paragraph (e)(ii) of § 1.861–8T refers to five examples of the application of the principle in paragraph (e)(6)(i) and provides that methods other than those illustrated in the examples may be more appropriate in facts that differ from those in the examples. Paragraph (e)(6)(iii) of § 1.861–8T provides taxpayers with the option to apply the provisions of paragraph (e)(ii) of § 1.861–8T and examples (25) through (29) of paragraph (g) of § 1.861–8T to deductions for state tax incurred in taxable years beginning before January 1, 1988, which is the effective date of the temporary Income Tax Regulations. Paragraph (g) of § 1.861–8T restates and supplements the language preceding the examples in § 1.861–8(g), and adds examples (25) through (29) to provide five specific examples of the allocation and apportionment of the deduction for state income taxes.

Special Analyses

It has been determined that this proposed rule is not a major legislative regulation subject to Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking which solicits public comment, it has been concluded that the proposed regulations are interpretative and that the notice and public comment procedural requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

Comments and Requests for a Public Hearing

Before adopting as final regulations these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is to be held, notice of the time and place will be published in the **Federal Register.**

Drafting Information

The principal author of these regulations is David F. Chan of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations.

List of Subjects in 26 CFR 1.861–1 Through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investment in United States, Foreign tax credit, FSC, Sources of income, United States investments abroad.

Proposal of Regulations

The temporary Income Tax Regulations, FR DOC. [T.D. 8236], published in the Rules and Regulations portion of this issue of the **Federal Register** are hereby also proposed as final regulations under sections 861(b), 862(b), and 863(a) of the Internal Revenue Code.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 88–28461 Filed 12–7–88; 3:39 pm]

BILLING CODE 4830–01–M

26 CFR Parts 1 and 602

[INTL—934–86]

Branch Tax; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of public hearing on proposed regulations.

SUMMARY: This document contains a correction to a notice of a public hearing on proposed regulations relating to the branch tax. This regulation will provide immediate guidance to taxpayers concerning the imposition of tax on profits of a U.S. branch of a foreign corporation that are removed from the branch and on interest that is paid, or deemed paid, by the branch.

FOR FURTHER INFORMATION CONTACT: Angela D. Wilburn of the Regulations Unit, Assistant Chief Counsel (Corporate), Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, telephone 202–566–3935, (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On Tuesday, December 6, 1988, the **Federal Register** published a notice of public hearing on proposed regulations under section 884, as added to the Code by section 1241 of the Tax Reform Act of 1986. The notice of public hearing appeared in the **Federal Register** for Tuesday, December 6, 1988, at page 49208 (53 FR 49208).

Need for Correction

As published, the notice of public hearing contains an typographical error in the deadline date for submitting outlines of oral comments to be presented at the public hearing.

Correction of Publication

Accordingly, the publication of the notice of public hearing which was the subject of FR Doc. 88–28032 (53 FR 49208), is corrected as follows:

PARTS 1 AND 602—[AMENDED]

Par. 1. On page 49209, first column, sixth line from the top of the column should read, "January 3, 1989, an outline of the oral".

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 88–28462 12–9–88; 8:45 am]

BILLING CODE 4830–01–M

26 CFR Parts 1 and 602

[INTL-49-86 and INTL-362-88]

Treatment of Related Person Factoring Income; Certain Investments in United States Property; Stock Redemptions Through Related Corporations; and Definition of a Controlled Foreign Corporation and Foreign Personal Holding Company Income of a Controlled Foreign Corporation After December 31, 1986

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to the treatment of related person factoring income; the determination of the amount of earnings of a controlled foreign corporation invested in United States property; redemptions of stock through the use of related corporations; and, the definition of a controlled foreign corporation and the definitions of foreign base company income and foreign personal holding company income of a controlled foreign corporation for taxable years of foreign corporations beginning after December 31, 1986.

DATES: The public hearing will begin at 10:00 a.m. on Thursday, February 9, 1989, and continue, if necessary, at the same time on Friday, February 10, 1989. Outlines of oral comments must be delivered or mailed by Thursday, January 26, 1989.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:CORP:T:R (INTL-49-86 and INTL-362-88), Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Jackie Burgess or Carroll Field of the Regulations Unit, Assistant Chief Counsel (Corporate), Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, telephone 202-566-3935 (not a toll-free call).

SUPPLEMENTARY INFORMATION: The subject of the public hearing relates to proposed regulations under sections 864 (d) and 956 (b) (3) on the treatment of related person factoring income; certain investments in United States property; stock redemptions through related corporations which were added to the Internal Revenue Code of 1954 by section 123 of the Tax Reform Act of 1984 (Pub. L. 98-369, 98 Stat. 644, 646) and amended by sections 1201 (d) (4), 1221 (a) (2), 1223 (b) (1), 1275 (c) (7) and 1810 (c) of the Tax Reform Act of 1986 (Pub. L. 99-514, 100 Stat. 2085, 2525, 2550, 2558, 2599, 2824).

On June 14, 1988, proposed and temporary regulations (T.D. 8209) interpreting sections 864 (d) and 956 (b) (2) of the Internal Revenue Code of 1986 were published in the **Federal Register** (53 FR 22186, 22163).

In addition, the subject of the public hearing relates to proposed regulations under sections 954 (b), 954 (c), and 957 (a), which were amended by sections 1201, 1221, 1222, and 1223 of the Tax Reform Act of 1986 (Pub. L. 99-514).

On July 21, 1988, proposed and temporary regulations (T.D. 8216) interpreting sections 954 (b), 954 (c), and 957 (a) were published in the **Federal Register** (53 FR 27532, 27489).

The rules of § 601.601 (a) (3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted comments within the time prescribed in the notices of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit, not later than Thursday, January 26, 1989, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 88-28463 Filed 12-9-88; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 390

[Docket No. R-120]

RIN 2133-AA65

Capital Construction Fund; Extension of Comment Period

AGENCY: Maritime Administration, DOT.

ACTION: Proposed rulemaking; extension of comment period.

SUMMARY: This notice extends the comment period for a Notice of Proposed Rulemaking (NPRM) that MARAD has issued with respect to its Capital Construction Fund Program, 46 CFR Part 390 (Docket No. R-120) published October 31, 1988 (53 FR 43907). In view of the errors in the original publication of the NPRM and the subsequent correction of errors in the NPRM, MARAD believes that an extension of the comment period is warranted in order to allow more time for preparation of comments.

DATE: NPRM comment period expiration date is extended to January 3, 1989.

ADDRESSS: Submit comments to James E. Saari, Secretary, Maritime Administration, Room 7300, 400 Seventh Street, SW., Washington, DC 20590. The Maritime Administration requests that commenters submit five copies of their comments.

FOR FURTHER INFORMATION CONTACT: Jean E. McKeever, Chief, Division of Capital Assets Management, 400 Seventh Street, SW., Washington, DC 20590, Tel: (202) 366-1905.

Date: December 7, 1988.

By Order of the Maritime Administrator.
Approved:

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 88-28513 Filed 12-9-88; 8:45 am]

BILLING CODE 4910-81-M

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-149F, Notice No. 88-9]

Exceptions for Specified Quantities of Radioactive Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: RSPA proposes to renew for two years the exceptions (statutory exemptions) for specified quantities of radioactive materials found in 49 CFR 173.4, 173.421–1 and 173.421–2. This action is necessary to update the exceptions in these sections which permit the transportation by passenger-carrying aircraft of certain quantities of radioactive materials under the existing restrictions. Updating these exceptions will prevent the disruption of routine and ongoing shipments which have been made safely for 12 years under the existing exceptions. These materials do not present a significant hazard to passengers or crew on an aircraft.

DATE: Comments must be received on or before January 11, 1988.

ADDRESS: Address comments to Dockets Unit, Office of Hazardous Materials Transportation, (DHM–30), U.S. Department of Transportation, Washington, DC 20590. Comments should be submitted, when possible, in five copies and should identify the docket number. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed, stamped postcard. The Dockets Unit is located in Room 8421 of the Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday, except public holidays.

FOR FURTHER INFORMATION CONTACT: Ann Boylan, Standards Division, Office of Hazardous Materials Transportation, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590. (202) 366–4488.

SUPPLEMENTARY INFORMATION: On May 1, 1987, RSPA published a final rule under Docket HM–149E (52 FR 15948). In that final rule, RSPA renewed for two years the exceptions (statutory exemptions) for specified quantities of radioactive materials found in 49 CFR 173.4, 173.421–1 and 173.421–2. This action was taken because the existing exceptions were due to expire on May 2, 1987.

In accordance with section 107 of the Hazardous Materials Transportation Act (HMTA) (49 U.S.C. 1806) governing exemptions, the exceptions provided in §§ 173.4, 173.421–1 and 173.421–2 are limited to two years unless reexamined and renewed. These exceptions expire on May 2, 1989. Historically, these exceptions have been issued and subsequently renewed under Docket HM–149. The legal background and regualtory history of these exceptions can be found in Docket HM–149C (46 FR 24184) published on April 30, 1981, and in preceding amendments dating back to April 17, 1975 (40 FR 17141).

In accordance with 49 CFR 106.13 and 49 U.S.C. 1806, RSPA is once again reexamining the provisions of the exceptions provided in §§ 173.4, 173.421–1 and 173.421–2 and proposes to extend the effective dates of these exceptions. Specifically, in §§ 173.4(b), 173.421–1(b)(2) and 173.421–2(d), the date "May 2, 1989" would be amended to read "May 2, 1991". These amendments would permit the continued transportation of specified quantities of radioactive material by passenger-carrying aircraft.

Administrative Notices

Executive Order 12291

The RSPA has determined that this rulemaking (1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT's regulatory policies and procedures (44 FR 11034); (3) will not affect not-for-profit enterprises or small governmental jurisdictions; and (4) does not require an environmental impact statement under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). A regulatory evaluation is available for review in the Docket.

Executive Order 12612

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Impact on Small Entities

Based on limited information concerning the size and nature of entities likely to be affected by this proposed rule, I certify that the regulations proposed herein would not, if adopted, have a significant economic impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Part 173 of Title 49 of the Code of Federal Regualtions would be amended as follows:

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

1. The authority citation for Part 173 continues to read as follows:

Authority: 49 App. U.S.C. 1803, 1804, 1805, 1806, 1807, 1808; 49 CFR Part 1, unless otherwise noted.

§ 173.4 [Amended]

2. In paragraph (b) of § 173.4, the year "1989" would be changed to read "1991".

§ 173.421–1 [Amended]

3. In paragraph (b)(2) of § 173.421–1, the year "1989" would be changed to read "1991".

§ 173.421–2 [Amended]

4. In paragraph (d) of § 173.421–2, the year "1989" would be changed to read "1991".

Issued to Washington, DC, on December 7, 1988, under the authority delegated in 49 CFR Part 1, Appendix A.

Alan I. Roberts,

Director, Office of Hazardous Materials Transportation.

[FR Doc. 88–28421 Filed 12–9–88; 8:45 am]

BILLING CODE 4910–60–M

Notices

Federal Register
Vol. 53, No. 238
Monday, December 12, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-030-09-4143-09; ES-00157-004]

Environmental Impact Statement; Mark Twain National Forest, Carter, Oregon and Shannon Counties, MO

AGENCY: Forest Service, USDA and Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of the Final Environmental Impact Statement and U.S.D.A. Forest Service Record of Decision for Hardrock Mineral Leasing, Mark Twain National Forest, Carter, Oregon, and Shannon Counties, Missouri.

SUMMARY: The Doe Run Company holds interest in two preference right lease applications (PRLA's) filed with the Bureau of Land Management (BLM) for lead and associated metals underlying the Winona Ranger District of the Mark Twain National Forest, Missouri. Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM and U.S.D.A.-Forest Service, in cooperation with the U.S. Fish and Wildlife Service, National Park Service, U.S. Army Corps of Engineers, and the Missouri Department of Conservation, have prepared a Final Environmental Impact Statement (FEIS) for hardrock mineral leasing for an area encompassing approximately 119,000 acres of National Forest System Lands and Federally-owned minerals. Although the two PRLA's comprise only 3,743 acres, the FEIS has been prepared for a much larger area in the anticipation of future leasing activity.

The Draft EIS (DEIS), which was published in November 1987, analyzed five alternatives identified by the letters A through E. The preferred alternative identified in the DEIS was Alternative D, Modified Forest Plan (visual quality). In response to comments received during the review of the DEIS, and agency concerns, it was determined that none of the original alternatives were acceptable and a new alternative (F) was developed. Alternative F permits only exploration and development drilling on the two lease areas and includes a "No Guaranteed Development" stipulation along with other standard and special stipulations. The FEIS incorporates the entire DEIS by reference.

This notice announces the availability of the FEIS and the Forest Service Record of Decision whereby the Forest Service has decided to consent to the issuance of the two leases in accordance with Alternative F, which includes the "No Guarantee Development" stipulation allowing for exploration and development drilling while denying any mine development activities pending further environmental review and public involvement.

The BLM has the authority to issue leases for National Forest System Lands but only after receiving the consent of the Forest Service. The BLM will consider whether or not to issue the leases after receiving a letter of consent from the Forest Service. BLM's final decision will be published in a Record of Decision.

SUPPLEMENTARY INFORMATION: Public reading copies of the FEIS are available for review at the public libraries in Alton, Birch Tree, Columbia, Eminence, Jefferson City, Kansas City, Mountain View, St. Louis, St. Louis County, Springfield, Thayer, West Plains, and Winona, Missouri. In addition, copies of the FEIS may be inspected at the following locations:

USDA-Forest Service, Supervisor's Office, Mark Twain National Forest 401 Fairgrounds Road, Rolla, Missouri
Bureau of Land Management, Milwaukee District Office, Division of Solid Minerals, 901 Pine Street, Rolla, Missouri
USDA-Forest Service, Doniphan Ranger District, 1104 Walnut, Doniphan Missouri
USDA-Forest Service, Van Buren Ranger District, Watercress Road, Van Buren, Missouri
USDA-Forest Service, Winona Ranger District, Highway 19 North, Winona, Missouri
USDA-Forest Service, Ranger District Offices in Ava, Cassville, Fredericktown, Fulton, Houston, Poplar Bluff, Potosi, Rolla, Salem, and Willow Springs, Missouri
USDA-Forest Service, Eastern Region 310 W. Wisconsin Avenue, Suite 600, Milwaukee, Wisconsin
Bureau of Land Management, Eastern States Office 350 S. Pickett Street, Alexandria, Virginia
Bureau of Land Management, Milwaukee District Office 310 W. Wisconsin Avenue, Suite 225, Milwaukee, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Mr. Leon Kridelbaugh, Staff Officer for Lands, Minerals, Soils and Watershed, Mark Twain National Forest, 401 Fairgrounds Road, Rolla, Missouri 65401; telephone (314)364–4621 or Mr. Vincent Vogt, Assistant District Manager for Solid Minerals, Milwaukee District Office (BLM), 901 Pine Street, Rolla, Missouri 65401; telephone (314)364–0203.

Date: December 2, 1988.

James R. Jordon,
Deputy Regional Forester, Region 9, USDA-Forest Service.

Date: November 30, 1988.

G. Curtis Jones, Jr.,
State Director, Eastern States Office, Bureau of Land Management.

[FR Doc. 88–28423 Filed 12–9–88; 8:45 am]
BILLING CODE 4310–GJ–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Survey of Income and Program Participation, 1989 Panel Wave 2
Form Number: SIPP–9200, Wave 2 Questionnaire SIPP–9205L, Introductory Letter
Agency Approval Number: 0607–0643
Type of Request: Revision
Burden: 12,180 hours
Number of Respondents: 24,360
Avg Hours Per Response: 30 minutes
Needs and Uses: This survey provides the executive and legislative branches

improved statistics on income distribution and data not previously available on eligibility for and participation in government programs. Changes in status and participation will be measured over time. The data will be used to support policy and program planning.
Affected Public: Individuals or households
Frequency: One time only
Respondent's Obligation: Voluntary
OMB Desk Officer: Francine Picoult, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Edward Michals,
Department Clearance Officer, Office of Management and Organization.
[FR Doc. 88–28471 Filed 12–9–88; 8:45 am]
BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Survey of State and Local Agencies Preparing Population Estimates
Form Number: S–136
Agency Approval Number: N/A
Type of Request: New
Burden: 333 hours
Number of Respondents: 1,500
Avg Hours Per Response: 13.3 minutes
Needs and Uses: This survey is used to identify those public agencies making population estimates, the methodology used, and the areas estimated; and to collect population and housing unit estimates for census tracts for 1990 census review of the field counts.
Affected Public: State or Local Governments
Frequency: Every 10 years
Respondent's Obligation: Voluntary
OMB Desk Officer: Francine Picoult, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: December 6, 1988.
Edward Michals,
Department Clearance Officer, Office of Management and Organization.
[FR Doc. 88–28472 Filed 12–9–88; 8:45 am]
BILLING CODE 3510–07–M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census
Title: Charter, Rural, and Intercity Bus Survey
Form Number: B–530, B–531
Agency Approval Number: N/A
Type of Request: New
Burden: 4,000 hours
Number of Respondents: 2,000
Avg Hours Per Response: 2 hours
Needs and Uses: This survey will be the only annual source of data for the universe of employer firms providing intercity, rural, and charter bus transportation services. These data will be used by the Federal Government for computation of the national accounts, and by private industry for marketing analysis.
Affected Public: Businesses, small businesses
Frequency: Annually
Respondent's Obligation: Mandatory
OMB Desk Officer: Francine Picoult, 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: December 6, 1988.
Edward Michals,
Department Clearance Officer, Office of Management and Organization.
[FR Doc. 88–28473 Filed 12–9–88; 8:45 am]
BILLING CODE 3510–07–M

National Institute of Standards and Technology

Announcement of Workshop for Users and Implementors of Integrated Services Digital Network (ISDN)

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice.

SUMMARY: The NIST announces another workshop of a continuing workshop series to discuss issues related to the use and implementation of Integrated Services Digital Network (ISDN) technology. These workshops are part of the North American ISDN Users' Forum (NIU–FORUM) which was formed recently under the auspices of NIST to create a strong user voice in the implementation of ISDN and ISDN applications and to ensure that the emerging ISDN meets users' application needs.

DATES: A joint ISDN Users' and Implementors' Workshop will be held in Gaithersburg, Maryland on January 17, 18, and 19, 1989. A tutorial "An Introduction to ISDN" will be conducted on the afternoon of January 16, 1989. The Users' Workshop will continue to identify, define and prioritize applications of ISDN and the Implementators' Workshop will define implementation agreements for ISDN and sponsor multivendor trials and demonstrations.

ADDRESS: To obtain registration forms for the North American ISDN Users' Forum, contact: ISDN Workshop Series, Attn: Kim Brashears, National Institute of Standards and Technology, Building 225, Room A224, Gaithersburg, MD 20899, Telephone: (301) 975–4853.

FOR FURTHER INFORMATION CONTACT: Steve Recicar (301) 975–2937.

SUPPLEMENTARY INFORMATION: A registration fee will be charged for attending the workshop. Credit cards will not be accepted. Participants are expected to make their own travel arrangements and accommodations. NIST reserves the right to cancel any part of the workshop.

Date: December 6, 1988.

Raymond G. Kammer,

Acting Director.

[FR Doc. 88-28447 Filed 12-9-88; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

TIME AND DATE: Meeting will convene at 9:00 a.m., December 16, 1988.

PLACE: Auditorium of Building 9, 7600 Sand Point Way, NW., Seattle, Washington.

MATTERS TO BE CONSIDERED: Implementation of recent amendments to the Marine Mammal Protection Act. These major changes to the law are especially important in the conduct of commercial fisheries, and will require much work to successfully implement. NOAA Fisheries has formed a Task Force and given them the responsibility to design and carry out implementation of the new legislation. Before any important decisions are made, NOAA Fisheries would like to hear your points of view. We will discuss the major tasks necessary to implement the amendments. However, we will not deal with tuna-porpoise issues at this meeting, since these are being addressed separately by the NOAA Fisheries Southwest Regional Office. A similar meeting with the same agenda is scheduled for December 19 at the Main Commerce Building, Room 5230 at 9:00 a.m., in Washington, DC. Upon conclusion of the meetings we will formulate our decisions and publish in the **Federal Register**. You will have the opportunity for additional comments on our decisions at that time.

FOR FURTHER INFORMATION CONTACT: Herb Kaufman, Task Force Coordinator, Office of Protected Resources, NOAA Fisheries, 1335 East-West Highway, Silver Spring, Maryland. Telephone: (301) 427-2319.

Date: December 7, 1988.

James W. Brennan,

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 88-28582 Filed 12-9-88; 8:45 am]

BILLING CODE 3510-08-M

National Marine Fisheries Service; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

TIME AND DATE: Meeting will convene at 9:00 a.m., December 19, 1988.

PLACE: Main Commerce Building, 14th Street and Constitution Avenue, Room 5230, Washington, DC.

MATTERS TO BE CONSIDERED: Implementation of recent amendments to the Marine Mammal Protection Act. These major changes to the law are especially important in the conduct of commercial fisheries, and will require much work to successfully implement. NOAA Fisheries has formed a Task Force and given them the responsibility to design and carry out implementation of the new legislation. Before any important decisions are made, NOAA Fisheries would like to hear your points of view. We will discuss the major tasks necessary to implement the amendments. However, we will not deal with tuna-porpoise issues at this meeting, since these are being addressed separately by the NOAA Fisheries Southwest Regional Office. A similar meeting with the same agenda is scheduled for December 16 in the Auditorium of Building 9, 7600 Sand Point Way, NE., Seattle, Washington. Upon conclusion of the meetings we will formulate our decisions and publish in the **Federal Register**. You will have the opportunity for additional comments on our decisions at that time.

FOR FURTHER INFORMATION CONTACT: Herb Kaufman, Task Force Coordinator, Office of Protected Resources, NOAA Fisheries, 1335 East-West Highway, Silver Spring, Maryland. Telephone: (301) 427-2319.

Date: December 7, 1988.

James W. Brennan,

Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.

[FR Doc. 88-28581 Filed 12-9-88; 8:45 am]

BILLING CODE 3510-08-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products from Haiti

December 6, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels for the new agreement year.

EFFECTIVE DATE: January 1, 1989.

Authority: E.O. 11651 of March 3, 1972, as amended; sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); President's February 20, 1986 announcement of a Special Access Program.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION: A copy of the current bilateral textile agreement between the Governments of the United States and Haiti is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the *Correlation:* Textile and Apparel Categories with Tariff Schedule of the United States Annotated (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 51 FR 21208, published on June 11, 1986, and 52 FR 26057, published on July 10, 1987.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 6, 1988

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 26 and 30, 1986, as amended, between the Governments of the United States and Haiti; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1989, entry into the United States for consumption or withdrawal from

warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in Haiti and exported during the twelve-month period which begins on January 1, 1989 and extends through December 31, 1989, in excess of the following designated levels:

Category	Twelve-month restraint level
237	160,000 dozen.
331	310,000 dozen pairs.
340/640	310,000 dozen.
341/641	320,000 dozen.
347/348	350,000 dozen.
350	32,000 dozen.

Imports charged to these category limits for the period January 1, 1988 through December 31, 1988 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustments in the future according to the provisions of the current bilateral agreement between the Governments of the United States and Haiti.

In accordance with the provisions of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057) (July 10, 1987), you are directed to establish guaranteed access levels for properly cerfified cotton and man-made fiber textile products in the following categories which are assembled in Haiti from fabric formed and cut in the United States and exported to the United States from Haiti during the twelve-month period which begins on January 1, 1989 and extends through December 31, 1989.

Category	Guaranteed access level
237	300,000 dozen.
331	500,000 dozen pairs.
340/640	440,000 dozen.
341/641	440,000 dozen.
347/348	800,000 dozen.
349/649	2,500,000 dozen.
350	120,000 dozen.

Any shipment for entry under tariff number 9802.00.80.10 which is not accompained by a valid and correct certification and CBI Export Declaration in accordance with the provisions of the certification requirements established in the directive of February 19, 1987 shall be denied entry unless the Government of Haiti authorizes the entry and any charges to the appropriate designated consultation levels. Any shipment which is declared as tariff number 9802.00.80.10 but found not to qualify for the Special Access Program shall be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonweath of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-28415 Filed 12-9-88; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Japan

December 6, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1989.

Authority: E.O. 11651 of March 3, 1972, as amended; sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343-6583. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION: In addition to establishing limits for the new agreement year, deferred import charges for goods in Category 611 exported during 1986 in the amount of 2,926,446 square meters will be charged to the 1989 limit established for Category 611.

A copy of the current bilateral textile agreement between the Governments of the United States and Japan is available from the Textiles Divsion, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the *Correlation:* Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States Annotated (see **Federal Register** notice 53 FR 44937, published on November 7, 1988).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 6, 1988

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of February 6, 1987 between the Governments of the United States and Japan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1989, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Japan and exported during the twelve-month period which begins on January 1, 1989 and extends through December 31, 1989, in excess of the indicated restraint limits:

Category	Twelve-month restraint limit
Group I:	
237, 239, 330-354, 359, 431-448, 459, 630-654 and 659, as a group.	111,556,119 square meters equivalent.
Sublevels within group I:	
237	105,010 dozen.
239	431,523 kilograms.
331/631	2,360,200 dozen pairs.
333	16,390 dozen.
334	27,683 dozen.
335	185,671 dozen.
338	824,521 dozen.
339	1,292,243 dozen.
340	109,261 dozen.
341/641	530,604 dozen.
342/642	359,490 dozen.
347/348	1,639,091 dozen.
350	22,073 dozen.
435	29,042 dozen.

Category	Twelve-month restraint limit
442	22,474 dozen.
444	186,709 numbers.
448	37,982 dozen.
634	105,205 dozen.
644	248,918 numbers.
645/646	194,320 dozen.
659pt.[1]	47,087 kilograms.
Group II:	
200–229, 300, 301, 313–326, 360–369, 400–414, 464–469, 603, 604, 607, 611–629 and 665–670, as a group.	430,222,860 square meters equivalent.
Subgroup:	
218–220, 225–227 and 313–326, as a group.	111,153,079 square meters.
Sublevels within the subgroup:	
218	30,155,778 square meters.
313	6,901,574 square meters.
314	23,252,307 square meters.
315	14,671,005 square meters.
317/326	13,281,756 square meters of which not more than 8,503,935 square meters shall be in Category 326.
Sublevels within group II:	
300/301	1,299,283 kilograms.
410	9,045,360 square meters.
604pt.[2]	1,683,807 kilograms.
611	15,311,662 square meters.
613/614/615/617.	9,527,051 square meters.
619	109,532,684 square meters.
620	47,380,457 square meters.
624	7,322,434 square meters.
624	7,322,434 square meters.
625/626/627/628/629.	16,518,231 square meters.
Group II:	
600 and 606, as a group.	114,995,457 square meters equivalent.

[1] In Category 659pt., coveralls, overalls, etc., in tariff numbers 6103.23.00.55, 6103.43.20.20, 6103.49.20.00, 6103.49.30.38; 6104.63.10.20, 6104.69.10.00, 6104.69.30.14, 6114.30.30.40, 6114.30.30.50, 6203.43.20.10, 6203.49.10.10, 6204.63.15.10, 6204.69.10.10, 6211.33.00.10 and 6211.43.00.10.

[2] In Catetory 604pt., only tariff number 5509.32.00.00.

Imports charged to these category limits, except Category 439, for the period January 1, 1988 through December 31, 1988 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement between the Governments of the United States and Japan.

Also effective on January 1, 1989, you are directed to charge 2,926,446 square meters, for shipments exported in 1986, to the limit established in this directive for Category 611.

In carrying out the above directions the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-28416 Filed 12-9-88; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Malaysia

December 6, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1989.

Authority: E.O. 11651 of March 3, 1972, as amended; sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Kimbang Pham, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6496. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION: A copy of the current bilateral agreement between the Governments of the United States and Malaysia is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647–1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the *Correlation:* Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States Annotated (see **Federal Register** notice 53 FR 44937, published on November 7, 1988).

The letter of the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 6, 1988

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Agreement, effected by exchange of notes dated July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1989, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel in the following categories, produced or manufactured in Malaysia and exported during the twelve-month period beginning on January 1, 1989 and extending through December 31, 1989, in excess of the following restraint limits:

Category	Twelve-month restraint limit
218, 219, 220, 225–227, 313–315, 317, 326, 613/614/615/617, as a group.	62,040,650 square meters equivalent.
Sublevels within the group:	
218	3,988,328 square meters.
219	19,321,231 square meters.
220	19,321,231 square meters.
225	19,321,231 square meters.
226	19,321,231 square meters.
227	19,321,231 square meters.
313	23,043,670 square meters.
314	24,816,260 square meters.
315	19,321,231 square meters.
317	19,321,231 square meters.
326	2,658,885 square meters.
613/614/615/617.	19,321,231 square meters.
Other specific limits:	
200	168,187 kilograms.
237	226,293 dozen.
300/301	1,783,797 kilograms.
331/631	1,224,729 dozen pairs.
333/334/335/835.	140,450 dozen of which not more than 70,225 dozen shall be in Category 333, not more than 70,225 dozen shall be in Category 334, not more than 70,225 dozen shall be in Category 335 and not more than 70,225 dozen shall be in Category 835.
336/636	259,702 dozen.

Category	Twelve-month restraint limit
338/339	643,863 dozen.
340/640	787,475 dozen.
341/641	1,020,597 dozen of which not more than 364,098 dozen shall be in Category 341.
342/642/842	244,455 dozen.
345	93,739 dozen.
347/348	263,669 dozen.
351/651	151,686 dozen.
363	4,494,400 numbers.
369-S [1]	486,753 kilograms.
435	13,985 dozen.
438-W [2]	11,446 dozen.
442	17,046 dozen.
445/446	27,056 dozen.
604	782,156 kilograms.
634/635	476,342 dozen of which not more than 207,866 dozen shall be in Category 635.
638/639	280,602 dozen.
645/646	214,621 dozen.
647/648	1,009,982 dozen of which not more than 706,987 dozen shall be in Category 647-K [3] and not more than 706,987 dozen shall be in Category 648-K.[4]
Group II:	
201, 222-224, 229, 239, 330, 332, 349, 350, 352-354, 359-362, 369-O [5], 400-434, 436, 438-O [6], 439, 440, 443, 444, 447, 448, 459, 464-469, 600-603, 606, 607, 611, 618-622, 624-630, 632, 633, 643, 644, 649, 650, 652-654, 659, 665-670, 831-834, 836, 838, 839, 840 and 843-859, as a group.	25,097,541 square meters equivalent.

[1] In Category 369-S, only tariff number 6307.10.20.10.

[2] In Category 438-W, only tariff numbers 6104.21.00.60, 6104.23.00.20, 6104.29.20.48, 6106.20.10.10, 6106.20.10.20, 6106.90.10.10, 6106.90.10.20, 6106.90.20.20, 6106.90.30.20, 6109.90.15.40, 6110.10.10.60, 6110.10.20.80, 6110.30.15.60, 6110.90.00.74 and 6114.10.00.40.

[3] In Category 647-K, only tariff numbers 6103.23.00.40, 6103.29.10.20, 6103.43.15.20, 6103.43.15.40, 6103.49.10.20, 6103.49.30.14, 6112.12.00.50, 6112.19.10.50, 6112.20.10.60, 6113.00.00.45, 6103.23.00.45, 6103.29.10.30, 6103.43.15.50, 6103.43.15.70 and 6103.49.10.60.

[4] In Category 648-K, only tariff numbers 6104.23.00.32, 6104.23.00.34, 6104.29.10.30, 6104.29.10.40, 6104.29.20.38, 6104.63.20.10, 6104.63.20.25, 6104.63.20.30, 6104.63.20.60, 6104.69.20.10, 6104.69.20.20, 6104.69.30.26, 6112.12.00.60, 6112.19.10.60, 6112.20.10.70, 6113.00.00.50 and 6117.90.00.46.

[5] In Category 369-O, all tariff numbers except 6307.10.20.10 in Category 369-S.

[6] In Category 438-O, only tariff numbers 6103.21.00.50, 6103.23.00.25, 6105.20.10.00, 6105.90.10.00, 6105.90.30.20, 6109.90.15.20, 6110.10.10.50, 6110.10.20.70, 6110.30.15.50, 6110.90.00.72, 6114.10.00.20 and 6117.90.00.24.

Imports charged to these categories, except Categories 439 and 839, for the period January 1, 1988 thourgh December 31, 1988 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the limits set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of July 1 and 11, 1985, as amended, between the Governments of the United States and Malaysia.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-28418 Filed 12-9-88; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Nepal

December 6, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1989.

Authority: E.O. 11651 of March 3, 1972, as amended; sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

FOR FURTHER INFORMATION CONTACT: Jennifer Tallarico, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION: A copy of the current bilateral agreement between the Governments of the United States and Nepal is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States Annotated (see **Federal Register** notice 53 FR 44937, published on November 7, 1988).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 6, 1988

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton Textile Agreement of May 30 and June 1, 1986, between the Governments of the United States and Nepal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1989, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the following categories, produced or manufactured in Nepal and exported during the twelve-month period beginning on January 1, 1989 and extending through December 31, 1989, in excess of the following restraint limits:

Category	Twelve-month restraint limit
340	214,383 dozen.
341	714,610 dozen.
342	119,102 dozen.

Imports charged to these category limits for the period January 1, 1988 through December 31, 1988 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the current bilateral agreement between the Governments of the United States and Nepal.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-28417 Filed 12-9-88; 8:45 am]

BILLING CODE 3510-DR-M

Establishment of Import Limits for Certain Man-Made Fiber, Silk Blend and Other Vegetable Fiber Luggage Produced or Manufactured in Thailand

December 6, 1988.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: December 13, 1988.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 343–6581. For information on embargoes and quota re-openings, call (202) 377–3715. For information on categories on which consultations have been requested, call (202) 377–3740.

SUPPLEMENTARY INFORMATION:

Authority: E.O. 11651 of March 3, 1972, as amended; sec. 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1654).

Inasmuch as recent consultations between the Governments of the United States and Thailand have not resulted in mutually satisfactory limits for Categories 670–L and 870, the United States Government has decided to control imports in these categories for the period May 25, 1988 through May 24, 1989.

There is no visa requirement for Categories 670–L and 870 imported from Thailand. If visas for these categories will be required in the future, advance notice will be given in the **Federal Register.**

The United States remains committed to finding a solution concerning Categories 670–L and 870. Should such a solution be reached in consultations with the Government of Thailand, further notice will be published in the **Federal Register.**

A description of the textile categories in terms of T.S.U.S.A. numbers is available in the *Correlation:* Textile and Apparel Categories with Tariff Schedules of the United States Annotated (see **Federal Register** notice 52 FR 47745, published on December 16, 1987). A description of the textile and apparel categories in terms of HTS numbers is available in the *Correlation:* Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States Annotated (see **Federal Register** notice 53 FR 449237, published on November 7, 1988). Also see 53 FR 22205, published on June 14, 1988.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 6, 1988

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1986; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on December 13, 1988, entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber, silk blend and other vegetable fiber luggage in Categories 670–L [1] and 870, produced or manufactured in Thailand and exported during the twelve-month period which began on May 25, 1988 and extends through May 24, 1989, in excess of the following levels of restraint:

Category	Twelve-month limit
670–L	6,082,616 pounds.
870	5,917,287 pounds.

Textile products in Categories 670–L and 870 which have been exported to the United States prior to May 25, 1988 shall not be subject to this directive.

You are directed to charge 1,977,332 pounds and 214,624 pounds to the limits established in this directive for Categories 670–L and 870, respectively. These charges are for goods imported during the period May 25, 1988 through September 30, 1988.

Merchandise exported from Thailand to the United States in Categories 670–L and 870 does not require a visa.

Textile products in Categories 670–L and 870 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88–28419 Filed 12–9–88; 8:45 am]

BILLING CODE 3510–DR–M

[1] In Category 670–L, only TSUSA numbers 706.3415, 706.4130 and 706.4135.

COMMODITY FUTURES TRADING COMMISSION

New York Cotton Exchange; Proposed Amendments Relating to Minimum Fiber Tensile Strength Requirements Applicable to Cotton Delivered on the Cotton No. 2 Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The New York Cotton Exchange ("NYCE" or "Exchange") has submitted proposed amendments to the cotton No. 2 futures contract establishing a requirement that cotton must have a minimum fiber tensile strength of 22 grams per tex, in addition to the other current specifications of the contract, in order to be deliverable on the contract. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that this proposal is of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATE: Comments must be received on or before January 11, 1989.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Reference should be made to the amendments to the NYCE cotton No. 2 futures contract.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economic Analysis, 2033 K Street NW., Washington, DC 20581, telephone (202) 254–7303.

SUPPLEMENTARY INFORMATION: The current terms of the cotton No. 2 futures contract do not specify any fiber strength requirement for deliverable cotton. Under the proposed amendments, cotton would be required to have a minimum fiber strength of 22 grams per tex in order for it to be deliverable on the cotton No. 2 futures contract. The Exchange intends to make the proposed amendments effective for all deliveries made in October 1990 and all subsequent delivery months.

The proposed amendments would set only a minimum fiber strength requirement. The proposal does not include any system of premiums and

discounts for cotton of different fiber strengths that satisfy the minimum requirement of 22 grams per tex.

The Exchange stated that cotton with a strength of less than 22 grams per tex is susceptible to breakage on today's high-speed spinning equipment. According to the Exchange, the testing of cotton for fiber strength is expected to be a regular industry practice for all cotton by the 1991 crop year.

The Division, on behalf of the Commission, specifically requests comment on the following questions regarding current commercial practices for cotton, in addition to any other information or views that commenters may wish to provide:

1. What minimum standards for fiber strength currently are used in the cotton trade?

2. What percentage of commercial transactions is based on such fiber-strength standards?

3. To what extent are premiums or discounts applied to the pricing of commercial transactions based on the level of fiber strength?

4. In instances where a system of premiums or discounts for differences in fiber strength is utilized for commerical cotton transactions, what schedule of specific premiums and discounts currently is used for various fiber strengths? What is the par specification?

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314.

The materials submitted by the Exchange in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC, by the specified date.

Issued in Washington, DC on December 6, 1988.

Paula A. Tosini,

Director, Division of Economic Analysis.

[FR Doc. 88–28465 Filed 12–9–88; 8:45 am]

BILLING CODE 6351–01–M

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 88–C0003]

Miracle Recreation Equipment Co., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Miracle Recreation Equipment Co., a corporation.

DATE: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by December 27, 1988.

ADDRESS: Persons wishing to comment on this Settlement Agreement should send written comments to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Melvin I. Kramer, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492–6626.

Dated: November 29, 1988.

Sheldon D. Butts,

Deputy Secretary.

SUPPLEMENTARY INFORMATION:

CONSUMER PRODUCT SAFETY COMMISSION

Consent Agreement and Order

In the matter of Miracle Recreation Equipment Co., a corporation, CPSC Docket No. 88–C0003.

1. In 1986 the United States Department of Justice, at the request of the Consumer Product Safety Commission, filed a civil penalty action, pursuant to section 20 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2059, against Miracle Recreation Equipment Co., a corporation (hereinafter referred to as Miracle or Respondent), in the U.S. District Court for the Southern District of Iowa. The case involves two types of public playground equipment manufactured by Miracle known as "Bounce-Around Whirl" and the "Buckaroo Whirl," *United States* v. *Miracle Recreation Equipment Co.*, Civil No. 86–334–B. That case is still pending, however, the Consumer Product Safety Commission will request that the United States Department of Justice seek dismissal with prejudice upon the execution of this Agreement.

Early in 1986 the staff began an investigation of all of Miracle's various products and narrowed the scope of its investigation down to the products named in this Agreement.

In December 1987, the Commission authorized that staff to issue an Administrative Complaint (CPSC Docket No. 87–1) pursuant to section 15 of the Federal Hazardous Substances Act (hereinafter referred to as FHSA), as amended, 15 U.S.C. 1274, against Miracle seeking public notification and remedial action regarding an item of public playground equipment known as the "Flying Animal Swing." That action is also still pending, however, it will be settled with the entry of an order in that case as agreed to by the parties.

2. This Consent Agreement (hereinafter referred to as Agreement) is made by and between Miracle and the staff of the Consumer Product Safety Commission (hereinafter referred to as staff). This Agreement and accompanying Order are entered into to resolve allegations regarding alleged hazards presented by several items of public playground equipment manufactured by Miracle including, but not limited to, the "Slashproof Swing Seats," the "Lifetime Whirl," the "Therapeutic Whirl," and the "Arch Swing."

3. The provisions of this Agreement shall apply to the Respondent and its successors and assigns.

4. Settlement shall be contingent upon the Consumer Product Safety Commission's (hereinafter referred to as Commission) approval and acceptance of the Agreement and its issuance of the attached Order. It is agreed by the parties that should the Commission fail to approve and accept this Agreement, the parties will jointly request the Administrative Law Judge in CPSC Docket No. 87–1 for an extension of time to resume discovery at the point where the parties left off. Respondent by entering into this Agreement consents to the issuance of the attached Order. The

terms of the Order shall take effect upon its issuance.

Parties

5. The Commission is an independent regulatory commission of the United States of America established pursuant to section 4 of the Consumer Product Safety Act (CPSA), as amended (15 U.S.C. 2053).

6. Respondent Miracle is a corporation organized and existing under the laws of the State of Iowa with its principal corporate offices located at Hwy 6 West, P.O. Box 275, Grinnell, Iowa 50112 and at Highway 60 and Bridal Lane, P.O. Box 420, Monett, Missouri 65708.

Staff Allegations and Miracle's Responses

Staff Allegation

7. The staff alleges that Miracle's "Slashproof Swing Seat" contains a defect in that the rubber casing can crack allowing the inner spring steel core of the seat (which serves to reinforce the rubber casing) to be exposed to moisture and corrode to the point where it breaks. The staff alleges that once the core breaks, the seat becomes weakened and the rubber casing will eventually tear at the points of maximum stress, usually where the grommets are attached. The staff alleges that when this occurs, the grommets pull through the rubber casing. The staff alleges that when the rubber casing tears, the user can drop to the ground, abruptly and without warning, potentially resulting in an injury.

The staff alleges that there have been numerous reported injuries to children associated with this defect in the Slashproof Swing Seat. The injuries allegedly consist of fractures of the vertebrae, ankle, lower leg, and wrist.

Miracle's Response

8. Miracle contends that it does not and never has manufactured the Slashproof Seat. Miracle contends that any problem with the seat is due to manufacturing imperfections or problems. Also, premature wear that can lead to breakage has been caused by improper maintenance and use by others of the incorrect size S-hook. When the too small S-hook is closed, it pinches the ends of the seat, breaking it. To further put the staff allegations in context, Miracle points out that it has sold more than 300,000 Slashproof Swing Seats since approximately 1960. Miracle denies each and all of the staff allegations.

Staff Allegation

9. The staff further alleges that the welds on the horizontal support of Miracle's models 296 and 298 "Arch Swing" can fail causing the horizontal support and the attached swings to collapse. The staff alleges that falls from this sudden, unexpected failure have resulted in at least ten (10) injuries to children using the swings. The injuries ranged from bruises and scrapes to a fractured pelvis and skull.

Miracle's Response

10. Miracle states that it has sold approximately 70 model 298 "Arch Swings" through 1976, the last year of sale of that model, and approximately 550 model 296 "Arch Swings" between 1960 and 1984. Miracle denies each and all of the staff allegations. Miracle contends that the few incidents involving "Arch Swings" are due to a failure to observe and maintain the units since weld deterioration occurs gradually over a long period.

Staff Allegation

11. The staff further alleges that because of its design, the center plate of Miracle's "Lifetime Whirl" is susceptibnle to removal. The staff alleges that once removed, and if not replaced, the stationary inner structure becomes exposed and readily accessible to children. The staff alleges that this exposed cavity creates a risk of fracture and laceration should a child insert an arm or a leg while the whirl is rotating. In addition, the staff alleges that the "Lifetime Whirl" has a design or manufacturing defect that results in a sharp metal edge or sharp burrs or irregularities along the under turned portion of the platform. The staff alleges that the accessibility of the sharp metal edge and burrs creates an added risk of severe laceration.

The staff further alleges that this whirl has been involved in at least eight (8) incidents of severe lacerations or fractures of children's legs and feet.

Miracle's Response

12. To place the staff's allegations in context, Miracle notes that the Lifetime Whirl has been sold and used throughout the country since approximately 1946. Miracle denies each and all of the staff allegations and contends that the few incidents reported were due to a failure to properly maintain the unit.

Staff Allegation

13. The staff further alleges that Miracle's "Therapeutic Whirl", designed for use by people in wheelchairs, poses a risk of injury to non-wheelchair bound children who sit on the edge of it with their legs or feet dangling. The staff alleges that as the "Therapeutic Whirl" rotates, the legs of unsuspecting children strike that stationary boarding ramp. The staff alleges that such incidents have caused three (3) fractures and two (2) reports of severe laceration to children's legs.

Miracle's Response

14. To place the staff allegations in context, Miracle notes that it has sold 199 "Therapeutic Whirls" between 1977 and 1985. Miracle denies each and all of the staff allegations. Miracle contends that the cause of any accident is due to a lack of supervision and misuse since the Therapeutic Whirl was designed for use by wheelchair-bound children.

Staff Allegation

15. The staff further alleges that each of the products described in paragraphs 7, 9, 11, and 13 above, may contain a defect or defects which create a substantial risk of injury to children within the meaning of section 15(c) of the FHSA, 15 U.S.C. 1274(c).

Miracle's Response

16. Miracle denies each and all of the staff allegations herein. It further specifically denies that any of its products contain a defect which creates or could create a substantial risk of injury to children or others in general or within the meaning of section 15(c) of the FHSA, 15 U.S.C. 1274(c).

Staff Allegation

17. The staff finally alleges that although it has conducted only a preliminary investigation, Miracle may have violated the reporting requirements of section 15(b) of the CPSA, 15 U.S.C. 2064(b) with respect to the hazards presented by its "Slashproof Swing Seats," "Arch Swing," "Lifetime Whirl," "Therapeutic Whirl," and "Flying Animal Swing" (the subject of CPSC Docket No. 87–1).

Miracle's Response

18. Miracle specifically denies that any of its products contain a defect which creates or could create a substantial risk of injury to children or others in general or within the meaning of any relevant statutes and also specifically denies any violation of its obligation to report information to the Commission under section 15(b) of the CPSA, 15 U.S.C. 2064(b).

Agreement of the Parties

19. The staff and Miracle are entering into this Agreement because they agree

that it is in the public interest to minimize any possibility of further injury as soon as possible. The Commission has not made and does not hereby make any determination that any of the products described herein contain a defect which creates a substantial risk of injury to children or any determination that Miracle may have failed to report a defect which could create a substantial product hazard as required by section 15(b) of the CPSA, 15 U.S.C. 2064(b). Respondent by so doing, does not admit the allegations raised by the staff herein.

20. Respondent agrees that the Commission has jurisdiction over it and over the subject matter of this Agreement for purposes for entry and enforcement of this Agreement.

21. The parties agree that the Respondent will knowingly, voluntarily, and completely waive any rights it may have in this matter (1) to an administrative or judicial hearing and any other procedural steps; (2) to seek judicial review or otherwise challenge or contest the validity of the Commission's Order; (3) to a determination by the Commission whether any of its products described in paragraphs 7, 9, 11, 13 above present a substantial risk of injury to children and whether action under 15 U.S.C. 1274 (c), (d) and (e) is in the public interest; and, (4) to a statement of findings of fact and conclusions of law by the Commission. Miracle does not agree to waive any rights it may have on any other matter or any other rights it may have in this matter.

22. Miracle agrees to notify the public of the remedial actions it is taking, in accordance with the attached Order. It shall inform the public of actions being taken to repair/retrofit or otherwise change the products described in paragraphs 7–14 above and in the attached Order.

23. The parties agree that for purposes of information disclosure which shall be pursuant to section 6(b) of the CPSA, 15 U.S.C. 2055(b), this matter shall be treated as if a Complaint pursuant to 15 U.S.C. 1274 had been issued in this matter. The staff of the Consumer Product Safety Commission agrees that records produced in this matter by Miracle shall be held as confidential documents to the extent required by the Freedom of Information Act, 5 U.S.C. 553 or by section 6 of the CPSA, 15 U.S.C. 2055(a).

24. The parties agree that mutual consideration has been given for this Agreement as follows: (1) Miracle has agreed to a payment of a $100,000 civil penalty to be recited in Case No. 86–334–B; (2) Miracle agrees to carry out the specified corrective actions involving the "Slashproof Swing Seats," the "Lifetime Whirl," the "Therapeutic Whirl," and the "Arch Swing." Because the staff believes that it is in the public interest to expedite these corrective action plans, the staff, in consideration for the payment of the $100,000 civil penalty and corrective actions to be taken by Miracle, agrees that this Agreement providing for the payment of the $100,000 civil penalty resolves any potential civil penalty proceeding for any violations of section 15(b) of the CPSA, 15 U.S.C. 2064(b), involving the "Flying Animal Swing," "Slashproof Swing Seats," "Lifetime Whirl," "Therapeutic Whirl," "Arch Swing," "Bounce-A-Round Whirl," "Buckaroo Whirl," and any other Miracle product based on the information Miracle has previously provided to the Commission as of the date this Agreement is entered into.

Miracle has an obligation to report pursuant to 15 U.S.C. 2064(b) based on (1) new information that it obtains or becomes aware of after the date that this Agreement is entered into, when this new information evidences or reveals problems other than those evidenced or revealed in information previously made available to the Commission by Miracle, (2) information it has previously obtained and not made available to the Commission concerning the "Bounce-Around-Whirl," "Buckaroo Whirl," "Flying Animal Swing," "Slash Proof Swing Seat," "Lifetime Whirl," "Therapeutic Whirl," and "Arch Swing" when this information evidences or reveals problems other than those identified in paragraphs 7 through 14 of this Agreement, (and, in the case of the Bounce-Around-Whirl" and "Buckaroo Whirl", problems other than those identified in paragraphs 7 through 8 of the complaint filed in *United States* v. *Miracle Recreation Equipment Company*, Civil Action No. 86–334–B (S.D. Iowa)), and (3) information it has previously obtained and not made available to the Commission concerning any products other than those identified above in this paragraph, if such information reasonably supports the conclusion that a Miracle product contains a defect that could create a substantial product hazard.

This Agreement eliminates any claim under section 15(b) of the CPSA, 15 U.S.C. 2064(b), that the Commission had or may have had that would have been revealed by the information Miracle previously provided to the Commission. Miracle has no obligation to report when it has actual knowledge that the Commission has been adequately informed of a defect that could create a substantial product hazard. For the sole purpose of determining the effectiveness of the remedial and notice activities *set out* in the Order, Miracle agrees, however, that it will inform the Commission of any new incidents or injuries regarding the seven (7) products named herein. Nothing in this Agreement shall be interpreted as limiting Miracle's obligation to report pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b); and nothing herein shall be interpreted as expanding Miracle's legally required duties beyond those established by law.

25. Upon provisional acceptance of this Consent Agreement and Order by the Commission, this Consent Agreement and Order shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedure set forth in 16 CFR 1118.20(e). If the Commission does not receive any written request not to accept the Consent Agreement and Order within 15 days, the Consent Agreement and Order will be deemed finally accepted on the 16th day after the date it is published in the **Federal Register**, in accordance with 16 CFR 1118.20(f).

26. The parties further agree that the incorporated Order be issued under the FHSA, 15 U.S.C. 1261 *et seq.*, and that a violation of the Order will subject Miracle to appropriate legal action.

27. No agreement, understanding, representation, or interpretation not contained in this Consent Agreement and Order may be used to vary or to contradict its terms.

Dated: October 25, 1988.

Miracle Recreation Equipment Co.,

Paul K. Wallen,

President and CEO, Miracle Recreation Equipment Co., Hwy 60 and Bridal Lane, P.O. Box 420, Monett, Missouri 65708.

Consumer Product Safety Commission,

David Schmeltzer,

Associate Executive Director Directorate for Compliance and Administrative Litigation.

Alan H. Schoem,

Director, Division of Administrative Litigation, Directorate for Compliance and Administrative Litigation.

Dated: October 26, 1988.

Melvin I. Kramer,

Staff Attorney, Directorate for Compliance and Administrative Litigation.

Order

The staff and Miracle having entered into a Consent Agreement in this matter whereby Miracle has agreed to take the remedial action specified below in consideration of the undertakings of the

Commission set forth in the Agreement and the Commission having approved the terms of the Consent Agreement;

It is therefore ordered that;

1. Miracle will carry out the remedial action described in the "Safety Notice" (contained in Attachment A—which is available at the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207) for its "Slashproof Swing Seats," its "Arch Swing," its "Senior/Lifetime Whirl," and its "Thereapeutic Whirl."

2. Miracle will search its records and compile a list of anyone who has ever purchased any of its products.

3. Miracle will send, by certified mail, a copy of the "Important Safety Notice" (Attachment A) to anyone identified by Miracle, by the Commission, or by any other source, as having purchased, owned, or presently owning one of the "Arch Swings." Miracle will send a follow-up mailing, to be approved by the Commission staff, to any such purchaser who, within a reasonable time, fails to respond to the initial mailing.

4. All purchasers or present owners of any Miracle product identified through Miracle's records search or which come to Miracle's attention through any other source, will receive a copy of the "Important Safety Notice" with Miracle's 1989 product catalogue to be mailed in October 1988.

5. All letters, notices, communications and the envelopes containing them will be imprinted with the words "IMPORTANT SAFETY NOTICE" in bold, red letters prominently across the top.

6. Miracle will carry out the retrofit program detailed in the "Important Safety Notice" in Attachment A, for all "Slashproof Swing Seats" purchased since 1978, and all "Senior/Lifetime Whirls," "Thereapeutic Whirls," and "Arch Swings," still in existence.

7. Miracle will expend its best efforts to ensure that this retrofit/repair program is performed on all of the products specified in paragraph 1 above, incuding any of these products identified through means other than those specified in paragraphs 3 and 4 above, (e.g., Miracle becomes aware that the original owner has sold, or no longer owns the product, and the product and present owner or location of the product is identified or identifiable).

8. Miracle will, as detailed in the "Important Safety Notice" at Attachment A, supply the replacement "Slashproof Swing Seats" for $13 each (including handling and shipping changes); and the warning signs for the "Therapeutic Whirls" and the hardware to repair the "Arch Swing", free-of-charge (including the handling and shipping charges).

9. Miracle will, as detailed in the "Important Safety Notice" (Attachment A), pay $50 to cover the welding costs for repair of the "Arch Swing". Further, if necessary on an individual basis, Miracle will negotiate a higher fee for the welding costs.

10. Miracle will, upon request, provide the list of known purchasers of any of these four (4) products to the staff.

11. Miracle will file monthly compliance reports detailing the progress of the retrofit program until such time as the staff determines that the reports are no longer necessary.

12.. The staff will assess the results of the October 1988 mailing and, if the staff determines it to be necessary, Miracle will conduct another mailing (the form and content of the notice to be approved by the staff).

Provisionally accepted on 28th day of November, 1988.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 88-27897 Filed 12-9-88; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Army Subgroup on Low Observable Technologies; Advisory Committee Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Army Subgroup on Low Observable Technologies will meet in closed session on March 8–9 and March 29–30, 1989 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will examine and provide advice regarding Army activities in the area.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

December 7, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88-28507 Filed 12-9-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Defense Industrial Cooperation With Pacific Rim Nations; Advisory Committee Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Defense Industrial Cooperation with Pacific Rim Nations will meet in closed session on February 3, 1989 at the Hughes Corporation, Rosslyn, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will examine the potential for achieving US security objectives in the Pacific Rim area through defense industrial cooperation with the nations of that area.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552(c)(1) (1982), and that accordingly this meeting will be closed to the public.

December 7, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88-28508 Filed 12-9-88; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Follow on Forces Attack (FOFA); Advisory Committee Meetings

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Follow on Forces Attack (FOFA) will meet in closed session on January 11, 1989 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the

perceived needs of the Department of Defense. At this meeting the Task Force will continue to review, in detail, classified material associated with conventional military capabilities in NATO to include special targeting requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

December 7, 1988.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88–28509 Filed 12–9–88; 8:45 am]

BILLING CODE 3810–01–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, January 3, 1989; Tuesday, January 10, 1989; Tuesday, January 17, 1989; Tuesday, January 24, 1989 and Tuesday, January 31, 1989 at 10:00 a.m. in Room 1E801, The Pentagon, Washington, DC.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Force Management and Personnel) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention.

Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, The Pentagon, Washington, DC 20301.

December 7, 1988.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 88–28510 Filed 12–9–88; 8:45 am]

BILLING CODE 3810–01–M

Per Diem, Travel and Transportation Allowance Committee; Publication of Changes in Rates

AGENCY: Per Diem, Travel and Transportation Allowance Committee, DOD.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 145. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and possessions of the United States. Bulletin Number 145 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: November 1, 1988.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

Civilian Personnel Per Diem Bulletin Number 145 to the Heads of the Executive Departments and Establishments

Subject: Maximum Per Diem Rates for Official Travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government Civilian Employees

1. This bulletin is issued in accordance with Executive Order 12561, dated July 1, 1986, which delegates to the Secretary of Defense the authority of the President in 5 U.S. Code 5702(a) to set maximum per diem rates and actual expense reimbursement ceilings for Federal civilian personnel traveling on official business in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and possessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates and ceilings may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 144 except for the cases identified by asterisks which rates are effective on the date of this Bulletin unless otherwise indicated.

3. Each Department or establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
Alaska:	
Adak [1]	$25
Anaktuvuk Pass	140
Anchorage	125
Atqasuk	215
Barrow	146
Bethel	127
Bettles	110
Cold Bay	120
Coldfoot	122
College	114
Cordova	130
Deadhorse	113
Dillingham	114
Dutch Harbor-Unalaska	127
Eielson AFB	114
Elmendorf	125
Fairbanks	114
Ft. Richardson	125
Ft. Wainwright	114
Homer	115
Juneau	114
Katmai National Park	148
Kenai	119
Ketchikan	111
King Salmon [3]	134
Kodiak	118
Kotzebue [3]	143
Kuparuk Oilfield	127
Murphy Dome [3]	114
Noatak	143
Nome	129
Noorvik	143
Petersburg	111
Point Hope	160
Point Lay	179

Locality	Maximum rate
Prudhoe Bay	113
St. Paul Island	115
Sand Point	103
Seward	122
Shemya AFB [3]	30
Shungnak	143
Sitka-Mt. Edgecombe	111
Skagway	111
Spruce Cape	118
St. Mary's	100
Tanana	129
Tok	109
Umiat	160
Unakakleet	105
Valdez	147
Wainwright	165
Walker Lake	136
Wrangell	111
Yakutat	110
All Other Localities [3] [4]	91
American Samoa	81
Guam M.I	122
Hawaii:	
Hawaii, Island of:	
Hilo	70
Other	91
Kauai, Island of:	
12-20—3-31	127
4-1—12-19	95
Oahu, Island of	116
All Other Islands	91
Johnston Atoll [2]	23
Midway Islands [1]	13
Northern Mariana Islands:	
Rota	76
Saipan	92
Tinian	68
All Other Islands	20
* Puerto Rico:	
Bayamon:	
12-16—5-15	163
5-16—12-15	133
Carolina:	
12-16—5-15	163
5-16—12-15	133
Fajardo (including Luquillo):	
12-16—5-15	163
5-16—12-15	133
Ft. Buchanan (including GSA Service Center, Guaynabo):	
12-16—5-15	163
5-16—12-15	133
Roosevelt Roads:	
12-16—5-15	163
5-16—12-15	133
Sabana Seca:	
12-16—5-15	163
5-16—12-15	133
San Juan (including San Juan Coast Guard Units):	
12-16—5-15	163
5-16—12-15	133
All Other Localities	121
Virgin Islands of U.S.:	
12-1—4-30	180
5-1—11-30	144
Wake Island [2]	20
All Other Localities	20

[1] Commercial facilites are not available. The per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler. For Adak, Alaska: on any day when Government quarters are not used and quarters are obtained at a construction camp, a daily travel per diem allowance of $69 is prescribed to cover the costs of lodging, meals and incidental expenses.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when U.S. Government or contractor quarters and U.S. Government or contractor messing facilities are used, a per diem rate of $13 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Cold Bay, Fort Yukon, Galena, Indian Mountain, King Salmon, Kotzebue, Murphy Dome, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when U.S. Government or contractor quarters and U.S. Government or contractor messing facilities are used, a per diem rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

December 7, 1988.

[FR Doc. 88-28506 Filed 12-9-88; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a permit application by the Puerto Rico Electric Power Authority (PREPA) To Dredge the Aguirre Channel in Jobos Bay, PR

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The Jacksonville District U.S. Army Corps of Engineers intends to prepare a Draft Environmental Impact Statement (DEIS) on a permit application by the Puerto Rico Electric Power Authority (PREPA) to dredge the Aguirre Channel in Jobos Bay to facilitate delivery of oil to the Aguirre Power Plant. PREPA is investigating widening and deepening the existing natural and dredged portions of the Aguirre ship channel and turning basin in Bahia de Jobos, to accommodate ocean-going bulk carriers of up to 30,000 DWT capacity. The approximately 7 million cubic yards of dredged material may be transported to an ocean disposal site located approximately 6 miles offshore the eastern end of the island.

FOR FURTHER INFORMATION CONTACT: Ms. Lizabeth Rhodes, (904) 791-1691, U.S. Army Corps of Engineers, Jacksonville District, P.O. Box 4970, Jacksonville, Florida. Requests for information on the permit should be directed to Ms. Marie Burns, (904) 791-1667, at the same address.

SUPPLEMENTARY INFORMATION:

a. The PREPA has applied for a Department of the Army permit to dredge and enlarge a navigation channel through Jobos Bay. The existing channel is 150 feet wide by 28 feet deep and turning basin diameter and depth is 350 feet and 26 feet, respectively; and, the proposed channel dimensions are 425 feet wide by 38 feet deep, with a 13,000-foot-diameter by 36-foot-deep turning basin. Alternative modes of transporting fuel (including using other port facilities and the railroad) to the power plant will be considered as will alternative disposal methods. A no-action plan will also be evaluated.

b. Scoping: The scoping process as outlined by the Council on Environmental Quality will be utilized to involve Federal, Commonwealth, local agencies, and other interested persons and organizations. A scoping letter will be sent to interested Federal, Commonwealth, and local agencies requesting their comments and concerns. Interested persons and organizations wishing to participate in the scoping process should contact the Corps of Engineers at the address above. Significant issues anticipated include concern for: Local groundwater; estuarine habitats such as grass beds, coral reefs, and mangroves; fish and wildlife; water qualify; threatened and endangered species; and air quality.

c. Coordination with the U.S. Fish and Wildlife Service and National Marine Fisheries Service will be accomplished in compliance with section 7 of the Endangered Species Act. Coordination required by applicable Federal and Commonwealth laws and policies will be conducted. Any discharge of materials into waters of the United States will be specified by application of the criteria of section 404(b) of the Clean Water Act, or section 103 of the Marine Protection, Research, and Sanctuaries Act.

d. DEIS Preparation: It is estimated that the DEIS will be available to the public in the fourth quarter of calendar year 1989.

Date: November 28, 1988.

A.J. Salem,

Chief, Planning Division.

[FR Doc. 88-28492 Filed 12-9-88; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Hearings and Appeals Office

Cases Filed With the Office of Hearings and Appeals During the Week of October 7 through October 14, 1988

During the Week of October 7 through October 14, 1988, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

December 5, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 7 through October 14, 1988]

Date	Name and Location of Applicant	Case No.	Type of Submission
Sept. 29, 1988	Coline/Maryland, Baltimore, MD	RM2-132	Request for Modification/Rescission. If Granted: The November 28, 1986 Decision and Order issued to the State of Maryland regarding the State's application in the Coline second stage refund proceeding (Case No. RM2-29) would be modified.
Sept. 29, 1988	Perry Gas/Maryland, Baltimore, MD	RM183-133	Request for Modification/Rescission. If Granted: The November 28, 1986 Decision and Order issued to the State of Maryland regarding the State's application in the Perry Gas second stage refund proceeding (Case No. RF183-31) would be modified.
Oct. 7, 1988	Marathon/Rogers Oil Co., Washington, DC	RR250-5	Request for Modification/Rescission. If Granted: The August 1, 1988 Decision and Order issued to the Rogers Oil Company regarding the firm's application for refund in the marathon special refund proceding would be modified.
Oct. 11, 1988	Amoco/South Dakota and Belridge/South Dakota, Pierre, SD.	RM21-130 RM8-131	Request for Modification/Rescission. If Granted: The November 24, 1987 Decision and Order issued to the State of South Dakota (Case Nos. RM21-89 and RM8-90) regarding the State's application in the Amoco and Belridge second stage refund proceedings would be modified.
Oct. 11, 1988	Compton Corp., Washington, DC	KRD-0033 KRH-0033	Motions for Discovery and Evidentiary Hearing. If Granted: Discovery would be granted and an evidentiary hearing convened in connection with the proposed remedial order issues to the Compton Corporation and the Gratex Corporation (Case No. HRO-0230).
Oct. 11, 1988	Local Union 425, IBEW, Fairmont, WV	KFA-0224	Appeal of an Information Request Denial. If Granted: The October 4, 1988 Freedom of Information Request issued by the Morgantown Energy Technology Center would be rescinded, and Local Union 425 of the International Brotherhood of Electrical Workers would receive access to copies of the Electrical Equipment Company's employee benefits records.
Oct. 11, 1988	Maryland, Baltimore, MD	KEG-0035	Petition for Special Redress. If Granted: The Office of Hearings and Appeals would review and approve the State of Maryland's proposed expenditures for Stripper Well funds which were disapproved by the Assistant Secretary for Conservation and Renewable Energy.
Oct. 12, 1988	Anchor Gasoline Corp., Washington, DC	KEF-0120	Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the September 19, 1988 Consent Order entered into with the Anchor Gasoline Corporation.
Oct. 13, 1988	Coca Cola Bottling Co. of L.A. and Mid-South Bottling Co., Washington, DC.	RR272-14 RF272-15	Request for Modification/Rescission. If Granted: The August 25, 1988 Decision and Order issued to Coca Cola Bottling Co. of Los Angeles and Mid-South Bottling Co. (Case Nos. RF272-288 and RF 272-329) regarding the firm's application submitted in the Crude Oil refund proceeding would be modified.
Oct. 12, 1988	Getty/Atchison, Topeka, Santa Fe Railway, Washington, DC,.	RR265-1	Request for Modification/ Rescission. If Granted: The June 19, 1987 Decision and Order issued to the Atchison, Topeka, Santa Fe Railway regarding the firm's application in the Getty refund proceeding (Case No. RF265-1411), would be modified.

REFUND APPLICATIONS RECEIVED

Date received	Name of Refund Proceeding/ Name of Refund Application	Case Number
05/05/86	Zipp-Hill Grocery	RF241-12
12/08/86	Grand Rapids Veteran's Tran.	RF270-2516
10/06/88	Leolie Weatherly	RF300-10552

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of Refund Proceeding/ Name of Refund Application	Case Number
10/06/88	James Wintercorn.	RF300-10553
10/11/88	Ilers Gulf	RF300-10554

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of Refund Proceeding/ Name of Refund Application	Case Number
Do	John's Gulf	RF300-10555
Do	Yutan Oil Company.	RF265-2705

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of Refund Proceeding/ Name of Refund Application	Case Number
Do	Anderson Propane Service.	RF139-188
Do	City of Tulsa	RF139-189
Do	McPherson Propane.	RF312-3
Do	Bon Aire Gas Service.	RF277-92
10/12/88	Segrest Gas Company, Inc..	RF300-10556
Do	James J. Lasecki	RF300-10557
10/13/88	City of Tulsa	RF139-191
10/14/88	Burling Sales Association.	RF139-190
10/7/88 thru 10/14/88.	Crude Oil Refund Applications Received.	RF272-74970 thru RF272-74988
10/7/88 thru 10/14/88.	Atlantic Richfield Co. Refund Applications Received.	RF304-6673 thru RF304-6781

REFUND APPLICATIONS RECEIVED—Continued

Date received	Name of Refund Proceeding/ Name of Refund Application	Case Number
10/7/88 thru 10/14/88.	Exxon Refund Applications Received.	RF307-6018 thru RF307-6130
10/7/88 thru 10/14/88.	Murphy Refund Applications Received.	RF309-256 thru RF309-347

[FR Doc. 88-28520 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed With the Office of Hearing and Appeals During the Week of October 21 Through October 28, 1988

During the week of October 21 through October 28, 1988, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

George B. Breznay,

Director, Office of Hearings and Appeals.

December 5, 1988.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 21 through October 28, 1988]

Date	Name and Location of Applicant	Case No.	Type of Submission
Oct. 24, 1988	Mobil/Cantro Petroleum Corp., New Haven, CT	RR225-37	Request for Modification/Rescission. If Granted: The August 2, 1988, Decision and Order issued to Cantro Petroleum Corporation (Case No. RF225-6740) would be modified, regarding the firm's application in the Mobil Oil refund proceeding.
Oct. 25, 1988	Meeker and Co., Washington, DC	KEF-0121	Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the September 19, 1985, Consent Order (Case No. 6A0C00070) entered into with Meeker and Company.
Oct. 27, 1988	Technology for Energy Corp., Knoxville, TN	KFA-0228	Appeal of an Information Request Denial. If Granted: The September 27, 1988 Freedom of Information Request Denial issued by the Savannah River Operations Office would be rescinded and the Technology for Energy Corporation would receive access to complete copies of information on Delta M Corporation Proposal Number DMQ70060 Volumes I and II.
Oct. 28, 1988	Toledo Coalition for Safe Energy, Toledo, OH	KFA-0227	Appeal of an Information Request Denial. If Granted: The October 17, 1988 Freedom of Information Request Denial issued by the Office of Remedial Action and Waste Technology and Office of Nuclear Energy would be rescinded and Toledo Coalition for Safe Energy would receive access to certain DOE documents.

REFUND APPLICATIONS RECEIVED

Date Received	Name of Refund Proceeding/ Name of Refund Application	Case Number
5/5/86	Pettyjohn Oil Company.	RF225-11050
Do	Pettyjohn Oil Company.	RF225-11051
Do	Pettyjohn Oil Company.	RF225-11052
10/3/88	Rural Gas Company.	RF139-187
10/21/88	Andersen Propane Service.	RF139-194
Do	Anchor Gas and Fuel.	RF 139-195

REFUND APPLICATIONS RECEIVED—Continued

Date Received	Name of Refund Proceeding/ Name of Refund Application	Case Number
10/21/88 thru 10/28/88.	Exxon Refund Applications Received.	RF307-6306 thru RF307-6453
10/21/88 thru 10/28/88.	Gulf Oil Refund Applications Received.	RF300-10568 thru RF300-10575
10/21/88 thru 10/28/88.	Crude Oil Refund Applications Received.	RF272-75007 thru RF272-75059
10/21/88 thru 10/28/88.	Atlantic Richfield Refund Applications Received.	RF304-6954 thru RF304-7058

REFUND APPLICATIONS RECEIVED—Continued

Date Received	Name of Refund Proceeding/ Name of Refund Application	Case Number
10/21/88 thru 10/28/88.	Murphy Refund Applications Received.	RF309-439 thru RF309-467
10/24/88	Northside Propane, Inc.	RF306-3

[FR Doc. 88-28522 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed With the Office of Hearings and Appeals During the Week of October 28 Through November 4, 1988

During the Week of October 28 through November 4, 1988, the appeals and applications for other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

December 5, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 28 through November 4, 1988]

Date	Name and Location of Applicant	Case No.	Type of Submission
Oct. 17, 1988	Consolidated Edison Co. of New York, *et al.*, Philadelphia, PA.	RS272-1	Request for Stay. If Granted: The Office of Hearings and Appeals would refrain from disbursing any additional funds in the crude oil refund proceedings (RF272) to various governmental entity claimants pending final determination of appeals of certain refund Decision and Orders.
Oct. 31, 1988	Calumet Industries, Inc., Washington, DC	KEF-0122	Implementation of Special Refund Procedures. If Granted: The Office of Hearings and Appeals would implement Special Refund procedures pursuant to 10 CFR, Part 205, Subpart V, in connection with the October 6, 1986 Consent Order (Case No. N00S90139) entered into with Calumet Industries, Inc.
Oct. 31, 1988	Glen Milner, Seattle, WA	KFA-0229	Appeal of an Information Request Denial. If Granted: The September 29, 1988 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded and Glen Milner would receive access to information regarding *Trident* nuclear warheads.
Nov. 3, 1988	Glen Milner, Seattle, WA	KFA-0230	Appeal of an Information Request Denial. If Granted: The October 13, 1988 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded and Glen Milner would receive access to a complete copy of TP45-51A "Transportation of Nuclear Weapons Materials."
Nov. 3, 1988	Mobile/Ridgeway Petroleum, Inc., Washington, DC	RR225-38, RR225-39	Request for Modification/Rescission. If Granted: The August 26, 1988 Decision and Order issued to Ridgeway Petroleum, Inc. (Case Nos. RF225-9729 and RF225-9730) would be modified, regarding the firm's applications in the Mobil Oil refund proceeding.

REFUND APPLICATIONS RECEIVED

Date Received	Name of Refund Proceeding/ Name of Refund Applicant	Case Number
10/28/88 thru 11/4/88.	Exxon Refund Applications Received.	RF307-6454 thru RF307-6543
10/28/88 thru 11/4/88.	Gulf Oil Refund Applications Received.	RF300-10576 thru RF300-10591
10/28/88 thru 11/4/88.	Crude Oil Refund Applications Received.	RF272-75059 thru RF272-75080
10/28/88 thru 11/4/88.	Atlantic Richfield Applications Received.	RF304-7059 thru RF304-7121
10/28/88 thru 11/4/88.	Murphy Refund Applications Received.	RF309-467 thru RF309-495
10/31/88	Hofer, Inc.	RF310-315
10/31/88	Midwest Specialized Transp. Inc.	RF310-316
11/2/88	Ed's LP Gas Service.	RF139-196
11/2/88	City of Glenburn	RF139-197
11/3/88	Ash Oil Company, Inc.	RF310-317
Do	Kent Oil and Trading Company.	RF310-318

REFUND APPLICATIONS RECEIVED—Continued

Date Received	Name of Refund Proceeding/ Name of Refund Applicant	Case Number
Do	Joslin Tire Serve	RF310-319
Do	Pulp Apco	RF310-320
Do	Alma Oil Company, Inc.	RF310-321
Do	Drake's Refinery Stations, Inc.	RF310-322
11/4/88	Green Construction of Indiana.	RD272-63297
11/2/88	Aluminum Company of America.	RD272-64893
Do	Gencorp, Inc.	RD272-66920
Do	Fort Howard Cup Corporation.	RD272-69564
Do	Kaiser Aluminum and Chemical Co.	RD272-70481

[FR Doc. 88-28521 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed With the Office of Hearings and Appeals During the Week of November 4 Through November 11, 1988

During the Week of November 4 through November 11, 1988, the applications for relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

December 5, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of November 4 through November 11, 1988]

Date	Name and Location of Applicant	Case No.	Type of Submission
Nov. 8, 1988	Los Angeles Times, Washington, DC	RR272-19	Request for Modification/Rescission. If Granted: The October 6, 1988 Decision and Order issued to the Los Angeles Times (Case No. RF272-7917) would be modified, regarding the refund application submitted in that crude oil refund proceeding.
Nov. 10, 1988	Petrolane/Lomita/International Drilling & Energy Corp., Washington, DC.	RR208-2	Request for Modification/Rescission. If Granted: The October 20, 1988 Decision and Order issued to International Drilling and Energy Corp. (Case No. RF208-14) would be modified, regarding the firm's application in the Petrolane/Lomita Gasoline refund proceeding.

REFUND APPLICATIONS RECEIVED

[Week November 4, 1988 to November 11, 1988]

Date Received	Name of Refund Proceeding/ Name of Refund Applicant	Case Number
11/3/88	Enron Corporation.	RF139-201
11/4/88	City of Portal	RF139-200
Do	Mutch Oil Company.	RF139-199
Do	City of Wildrose	RF139-198
Do	Musolino and Sons, Inc.	RF299-87
Do	Enron Liquids Marketing Company.	RF253-60
11/4/88 thru 11/11/88.	Gulf Oil Refund	RF300-10592 thru RF300-10597
11/4/88 thru 11/11/88.	Exxon Refund	RF307-6544 thru RF307-6677
11/4/88 thru 11/11/88.	Crude Oil Refund	RF272-75081 thru RF272-75099
11/4/88 thru 11/11/88.	Atlantic Richfield Refund.	RF304-7122 thru RF304-7220
11/4/88 thru 11/11/88.	Murphy Oil Refund.	RF309-496 thru RF309-528
11/7/88	NGL Supply Inc	RF308-4
11/8/88	Capital City Products Company.	RD272-61357
Do	American Synthetic Rubber Company.	RD272-61843
Do	Honeywell, Inc	RD272-67216

[FR Doc. 88-28523 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 88-38-NG]

Consumers Power Co.; Order Granting Authorization To Import Natural Gas

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting authorization to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Consumers Power Company (Consumers Power) authorization to import natural gas from Canada pursuant to four supply contracts with Norcen Energy Resources Limited, Shell Canada Ltd., Canterra Energy Ltd., and TransCanada PipeLines Limited. The order issued in ERA Docket No. 88-38-NG authorizes Consumers Power to import up to an aggregate of 59,000 Mcf of Canadian natural gas per day from these suppliers over a 15-year period beginning on the date of first delivery. The gas would be used for Consumers Power's system supply at an initial weighted average delivered price of $2.16 per Mcf from the border. The price consists of a demand/commodity rate that is indexed to the monthly weighted average cost of Consumers Power's domestic interstate gas purchase.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, December 6, 1988.

Constance L. Buckley,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-28524 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 88-30-NG]

Union Gas Limited; Order Granting Blanket Authorization To Import and Export Natural Gas From and to Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of order granting blanket authorization to import and export natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Union Gas Limited (Union) blanket authorization to import and export natural gas from and to Canada. The order issued in ERA Docket No. 88-30-NG authorizes Union to import and then re-export up to 100 Bcf of Canadian natural gas and to export up to 250 Bcf of domestic gas over a two-year period beginning on the date of the first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 28, 1988.

Constance L. Buckley,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-28525 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 2376; Virginia]

Appalachian Power Co.; Intent To File an Application for a New License

December 8, 1988.

Take notice that on November 8, 1988, Appalachian Power Company, the existing licensee for the Ruesens Hydroelectric Project No. 2376, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2376 was issued effective January 1, 1964, and expires December 31, 1993.

The project is located on the James River in Campbell County, Virginia. The principal works of the Ruesens Project include a concrete and masonry gravity dam, 86 feet high and about 700 feet long; a pond about 7 miles long; two powerhouses at the dam with a combined installed capacity of 12,500 kW; transmission line connections; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at G. O. Hydro Department, 40 Franklin Road, Roanoke, Virginia 24022.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 30, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 88-28517 Filed 12-9-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CI74-118-001 and CS76-842]

Devon Energy Corp. (Nevada); Redesignation

December 8, 1988.

Take notice that on November 21, 1988, Devon Energy Corporation (Nevada) of 1500 Mid-America Tower, 20 North Broadway, Okalhoma City, Oklahoma 73102-8260, filed an application pursuant to §§ 154.21, *et seq.*, and §§ 157.23, *et seq.*, of the Federal Energy Regulatory Commission's Regulations to amend the certificates held by Devon Energy Corporation in Docket Nos. CI74-118-000 and CS76-842 to reflect the change in name from Devon Energy Corporation to Devon Energy Corporation (Nevada) and to substitute Devon Energy Corporation (Nevada) for Devon Energy Corporation in any pending proceedings before the Commission. The application is on file with the Commission and open for public inspection.

Effective September 29, 1988, Devon Energy Corporation changed its name to Devon Energy Corporation (Nevada) as evidenced by a Certificate of Amendment of Articles of Incorporation dated September 29, 1988.

Notice is hereby given that the certificates of Devon Energy Corporation in Docket Nos. CI74-118-000 and CS76-842 and Devon Energy Corporation's related FERC Gas Rate Schedule No. 1 are hereby redesignated to reflect the corporate name change from Devon Energy Corporation to Devon Energy Corporation (Nevada) and that Devon Energy Corporation (Nevada) is substituted for Devon Energy Corporation in all pending proceedings.

Lois D. Cashell,

Secretary.

[FR Doc. 88-28516 Filed 12-9-88; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2579; Indiana]

Indiana Michigan Power Co.; Intent To File an Application for a New License

December 8, 1988.

Take notice that on November 8, 1988, Indiana Michigan Power Company, the existing licensee for the Twin Branch Hydroelectric Project No. 2579, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2579 was issued effective April 1, 1962, and expires December 31, 1993.

The project is located on the St. Joseph River in St. Joseph County, Indiana. The principal works of the Twin Branch Project include a 402-foot-long concrete-topped timber crib dam with flashboards; a reservior of about 1,100 acres at elevation 717.4 feet m.s.l.; a powerhouse with an installed capacity of 7,200 kW; a transmission line connection; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at Hydro Generation, 13840 East Jefferson Road, Mishawaka, Indiana 46545, telephone (219) 255-8946.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 30, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 88-28518 Filed 12-9-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI89-104-000]

Mobil Oil Exploration and Producing Southeast, Inc.; Petition for Declaratory Order

December 7, 1988.

Take notice that on November 23, 1988, Mobil Oil Exploration & Producing Southeast, Inc. (Petitioner) filed a petition requesting the Commission to issue a declaratory order stating that it has no jurisdiction over certain natural gas facilities which petitioner intends to construct and operate in state and federal waters offshore Alabama. Petitioner contends that the facilities are gathering and production facilities under section 1(b) of the Natural Gas Act (NGA) and are, therefore, exempt from jurisdiction and the certificate requirements of the NGA.

Petitioner states that the proposed facilities will deliver sour gas from offshore wells completed in the Norphlet formation to an onshore processing facility for removal of hydrogen sulfide and carbon dioxide. Residue gas will be sold at the tailgate, and may be moved

through one or more of the "Mobile Bay Pipeline Projects" to be considered by the Commission in Docket No. CP88–570–001. Petitioner requests expedited consideration, in part because of the relationship of the subject facilities to the proceedings in Docket No. CP88–570–001.

Any person desiring to be heard or to protest this petition should file a motion to intervene or protest in accordance with Rules 214 or 211 of the Commission's rules of practice and procedure. All motions to intervene or protest should be submitted to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, within 15 days after publication of this notice in the Federal Register. All protests will be considered by the Commission, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene in accordance with Rule 214. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88–28519 Filed 12–9–88; 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces the procedures for disbursement of $7,652,000 (plus accrued interest) obtained as a result of a consent order which the DOE entered into with Crown Central Petroleum Corporation of Baltimore, Maryland (Case No. KEF–0044). The fund will be available to customers who purchased refined petroleum products from Crown during the period August 20, 1973 through January 27, 1981.

DATE AND ADDRESS: Applications for Refund of a portion of the consent order fund must be filed in duplicate no later than July 31, 1989 and should be addressed to: Crown Central Corporation Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All applications should conspicuously display a reference to Case No. KEF–0044.

FOR FURTHER INFORMATION CONTACT: Gary Comstock, Staff Attorney, Office of Hearings and Appeals, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–6602.

SUPPLEMENTARY INFORMATION: In accordance with the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order relates to a consent order entered into by the DOE and Crown Central Petroleum Corporation of Baltimore, Maryland. The consent order settled possible violations of the Federal petroleum price and allocation regulations with respect to the firm's operations during the period August 20, 1973 through January 27, 1981. On August 15, 1986, the Office of Hearings and Appeals issued a Proposed Decision and Order which tentatively established refund procedures and solicited comments from interested parties concerning the proper disposition of the consent order fund. 51 FR 30404 (August 26, 1986).

As the Decision and Order indicates, Applications for Refunds from the portion of the Crown consent order fund available for distribution to purchasers of Crown refined petroleum products may now be filed. Applications will be accepted provided they are filed no later than July 31, 1989. Applications will be accepted from customers who purchased refined petroleum products from Crown during the period August 20, 1973 through January 27, 1981. The specific information required in the Application for Refund is set fourth in the Decision and Order.

Date: December 5, 1988.

George B. Breznay,

Director, Office of Hearings and Appeals.

DECISION AND ORDER—DEPARTMENT OF ENERGY IMPLEMENTATION OF SPECIAL REFUND PROCEDURES

December 5, 1988.

Name of Firm: Crown Central Petroleum Corporation.

Date of Filing: June 30, 1986.

Case Number: KEF–0044.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to distribute funds received as a result of an enforcement proceeding, in order to remedy the effects of actual or alleged violations of the DOE regulations. *See* 10 CFR Part 205, Subpart V. On June 30, 1986, ERA filed a Petition for the Implementation of Special Refund Procedures in connection with a Consent Order entered into with the Crown Central Petroleum Corporation (Crown).

I. Background

During the period of Federal petroleum price and allocation controls, Crown was engaged in the production, importation, sale, and refinement of crude oil; the sale of residual fuel oil, motor gasoline, middle distillates, aviation fuel, propane, and other refined petroleum products; and the extraction, fractionation, and sale of natural gas liquids and natural gas liquid products. The firm was therefore subject to the Mandatory Petroleum Price and Allocation Regulations set forth at 6 CFR Part 150 and 10 CFR Parts 210, 211, and 212. During the period of controls, the ERA conducted audits of Crown's operations and, as a result of the audits, alleged in several judicial and administrative proceedings that Crown had violated certain applicable DOE pricing and allocation regulations in its sales of covered products.

On March 4, 1986, ERA and Crown signed a Proposed Consent Order settling a number of issues pertaining to Crown's crude oil and refined petroleum product operations during the period January 1, 1973 through January 27, 1981 (consent order period).[1] 51 FR 8532 (March 12, 1986). Under the terms of the Proposed Consent Order, Crown agreed to remit a total of $8,300,000, plus interest, to the DOE and the ERA agreed not to pursue its allegations regarding Crown's compliance with the DOE regulations, with the exception of certain specific issues.[2] *See id.*, ¶ 501, 51 FR at 8536. The Proposed Consent Order specifically stated that "[e]xecution of this Consent Order constitutes neither an admission by Crown nor a finding by DOE of any violation by Crown of any statute or regulations." *Id.*, ¶ 506, 51 FR at 8537. On April 29, 1986, the DOE and Crown finalized the Crown Consent Order as proposed. 51 FR 15959 (April 29, 1986). Pursuant to the terms of the Consent Order, Crown remitted a total of $8,431,323.68 (the consent order

[1] Although the "consent order period" begins on January 1, 1973, no Crown products were "covered" by mandatory controls prior to August 20, 1973. Accordingly, we have determined that because refunds in this proceeding are only warranted for purchases of regulated products, the appropriate "refund period" should be August 20, 1973 through January 27, 1981 rather than January 1, 1973 through January 27, 1981.

[2] These issues concerned Crown's compliance with the terms of the Entitlements Program and related reporting requirements.

fund) [3] to the DOE for distribution through Subpart V. These consent order monies were paid in full on July 10, 1986, and were placed in an interest-bearing escrow account maintained at the Department of the U.S. Treasury, pending a determination regarding their proper distribution.

On August 15, 1986, we issued a Proposed Decision and Order (PDO) setting forth a tentative plan for the distribution of the Crown consent order funds. In order to notify all interested parties, the PDO was published in the **Federal Register**, 51 FR 30404 (August 26, 1986). We allowed 30 days for interested parties to comment on the proposed refund procedures. In this Decision and Order we will address the comments which were submitted in response to the PDO, and will adopt final refund procedures for distribution of the funds in the Crown escrow account.[4]

II. Distribution of the Crown Crude Oil Funds

Because the Crown Consent Order resolves alleged violations involving both the sales of crude oil and refined petroleum products, in the PDO we proposed dividing the consent order funds into two pools. *Accord Standard Oil Co. (Indiana)*, 10 DOE ¶ 85,048 (1982). As we stated in the PDO, approximately 7.8 percent of the alleged violations settled by the consent order concern Crown's production and sales of crude oil. We therefore proposed that this same percentage of the Crown principal, or $647,400, plus accrued interest, be set aside as a pool of crude oil funds available for disbursement. There were no objections to this division, and final procedures for disbursing the Crown crude oil refund pool were set forth in *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 (1988).

[3] This amount consists of the principal consent order amount of $8,300,000 plus $131,323.68 in interest which accrued prior to Crown's payment to the DOE.

[4] In its audit of Crown, ERA did not allege that the firm committed any allocation violations. However, because the consent order covers Crown's compliance with all aspects of the Federal Petroleum Price and Allocation Regulations, the escrow funds may be used to provide restitution to firms that show that they were injured by Crown's allocation practices. For these claimants, we will follow the same procedures that have been used in prior Subpart V proceedings involving alleged allocation violations. *See, e.g.*, Mobil Oil Corp./Reynolds Industries, 17 DOE ¶ 85,608 (1988); Tenneco Oil Co./Research Fuels, Inc., 10 DOE ¶ 85,012 (1982). The remainder of this Decision concerns only the filing of claims involving Crown's alleged pricing violations.

III. Final Refund Procedures for the Crown Refined Product Funds

In the PDO we further proposed that the remaining 92.2 percent of the principal contained in the Crown escrow account, $7,652,600, plus interest, be made available for distribution to purchasers of Crown refined petroleum products who demonstrate that they were injured as a result of Crown's alleged regulatory violations. The PDO set forth a two-stage procedure we have used in previous decisions under which purchasers of Crown refined products could apply for refunds from this pool. *See, e.g., Marathon Petroleum Comany*, 14 DOE ¶ 85,269 (1986) *(Marathon)*.

In the PDO, however, we did not propose specific procedures for disbursing residual petroleum product monies which may remain after all such Applications for Refund have been considered. In three sets of comments, the Controller of California and the Attorneys General of the states of Arkansas, Delaware, Iowa, Louisiana, Maryland, North Dakota, Pennsylvania, Rhode Island, and West Virginia requested that these funds be distributed to state governments as a way of effecting indirect restitution to their citizens. On October 21, 1986, after the PDO had been issued and after these comments had been filed, Congress enacted the Petroleum Overcharge Distribution and Restitution Act of 1986, Pub. L. 99–509, Title III (PODRA). *See* Fed. Energy Guidelines ¶ 11,702 *et seq.* The PODRA requires the Secretary of Energy to determine annually the amount of petroleum product overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings, and to make those funds available to state governments for use in four energy conservation programs. PODRA, sections 3003 (c) and (d). The Secretary has delegated these responsibilities to OHA, and any funds in the product portion of the Crown escrow account that OHA determines will not be needed to effect direct restitution to injured parties are to be distributed in accordance with the provisions of PODRA. Pursuant to PODRA, $1,986,391.63, comprised of $1,943,420.11 in principal plus $42,971.52 in accrued interest, was disbursed from the Crown refined product pool in 1986. 51 FR 43965 (December 5, 1986). Because all PODRA monies will ultimately be distributed to the states, compliance with the PODRA essentially responded to the commenters' suggestion.

In view of the initial PODRA distribution noted above, approximately $5,709,180, of the Crown refined product monies, plus accrued interest, remains available to provide direct refunds to claimants that demonstrate that they were injured by the regulatory violations allegedly committed by Crown. From our experience with Subpart V proceedings, we expect that most applicants will fall into the following categories of Crown refined product purchasers: (1) End users, *i.e.*, ultimate consumers; (2) resellers and retailers; and (3) regulated entities, such as public utilities, and cooperatives.

In order to receive a refund, each claimant will be required to submit a schedule of its purchases of Crown refined petroleum products during the refund period.[5] Crown has agreed to assist claimants with these purchase schedules where a claimant's purchase records have been lost, destroyed, or are otherwise unavailable.[6] If the product was not purchased directly from Crown, the claimant must provide a statement setting forth its reasons for maintaining that the product originated with Crown.[7]

A. *Calculation of refund amounts.* In establishing the procedures which will govern this refund proceeding, we will adopt certain presumptions [8] which will permit claimants to participate without incurring inordinate expense, and which will enable OHA to consider and process refund applications in the most efficient manner possible. *See Marathon, supra.* First, in order to determine the potential refund amounts for applicants in this proceeding, we adopt the presumption that the alleged

[5] The OHA has developed a sample set of refund application forms, with instructions, as well as answers to questions commonly asked by refund applicants. These documents are available upon request. Such requests should be addressed to: Crown Central Corporation Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

[6] Claimants that require this assistance should address a request by mail to: Paul J. Ebner, General Manager, Marketing Support Services, Crown Central Petroleum Corporation, P.O. Box 1168, Baltimore, Maryland 21203, or by calling Mr. Ebner at: (301) 539–7400.

[7] Indirect purchasers who establish that the purchases originated with Crown will be eligible for a refund unless the direct purchaser has filed a refund claim and established that it did not pass through the alleged Crown overcharges to its customers. *Compare* Southern Union Co./Union Carbide Corp., 16 DOE ¶ 85,026 (1987) (full refund to indirect purchaser) with Resources Extraction & Processing Co./Mobil Oil Corp., 15 DOE ¶ 85,145 (1986), *reconsideration denied*, 15 DOE ¶ 85,334 (1987), (no refund to indirect purchaser). The level of the refund will depend on (i) whether the indirect purchaser falls within one of the classes of applicant whose injury is presumed, or demonstrates injury, and (ii) whether the intermediate supplier demonstrates that it absorbed a portion of the alleged overcharges.

[8] The Subpart V regulations specifically authorize the use of presumptions in special refund proceedings. *See* 10 CFR Part 205, Subpart V.

overcharges were spread equally over all the gallons of covered products that Crown sold during the refund period and that refunds therefore should be made on a volumetric basis. Under this volumetric presumption, a claimant's maximum potential refund will generally be computed by multiplying $0.001 per gallon, the per-gallon refund amount, by the number of gallons of refined covered products [9] that the applicant purchased from Crown during the refund period.[10] The resulting figure is referred to as the claimant's "full volumetric share" of the Crown consent order funds.[11] Successful applicants will also receive proportionate shares of the interest that has accrued on the Crown escrow account.

The volumetric refund presumption is rebuttable. Because we realize that the impact on an individual claimant may have been greater than its full evidence detailing the specific amount of overcharges that it incurred in order to be potentially eligible for a larger refund. *See, e.g., Standard Oil Company (Indiana)/Army and Air Force Exchange Service,* 12 DOE ¶ 85,015 (1984).

B. *Determination of injury.* The calculation of potential refund amounts is only the first step in the distribution process. We must also determine whether claimants were injured by the alleged overcharges. In this regard, injury means that the claimant was forced to absorb the alleged overcharges. Our experience in Subpart V refund proceedings has led us to adopt several presumptions concerning injury. Applicants that are not covered by one of the presumptions must demonstrate injury in accordance with the non-presumption procedures outlined below in section 2.

1. Injury Presumptions. The injury presumptions we have adopted in this case are designated to allow claimants to participate in the refund process without incurring inordinate expenses, and to enable OHA to consider refund applications in the most efficient way possible. Each of these presumptions is listed below along with the rationale underlying its use.

a. End Users. In keeping with prior Subpart V proceedings, we will presume that end users, *i.e.,* ultimate consumers of Crown covered petroleum products whose businesses are unrelated to the petroleum industry, were injured by Crown's alleged overcharges. Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the consent order period. Therefore, they were not required to base their pricing decisions on cost increases or to keep records that would show whether they passed cost increases through to their customers. Consequently, an analysis of the impact of the alleged overcharges on the final prices of goods and services produced by members of this group would be beyond the scope of a special refund proceeding. *See Marion Corporation,* 12 DOE ¶ 85.014 (1984), and cases cited therein. Therefore, end users need only document the volume of Crown refined covered products that they purchased during the refund period in order to show that they were injured by the alleged overcharges and are eligible to receive a refund.

b. Regulated Firms and Cooperatives. Public utilities, agricultural cooperatives, and other firms whose prices are regulated by government entities or governed by cooperative agreements do not have to submit detailed proof of injury. Such firms would have routinely passed through price increases to their customers. Likewise, it is expected that their customers will share the benefits associated with refunds. *See, e.g., Office of Special Counsel,* 9 DOE ¶ 82,538 at 85,203 (1982); *Office of Special Counsel,* 9 DOE ¶ 82,545 at 85,244 (1982). In order to ensure this result, such firms applying for refunds, in addition to documenting the volume of their Crown purchases, must certify that they will pass through any refund received to their customers and also submit a plan explaining both how their customers will benefit from a refund and how they will alert the appropriate regulatory body or membership group to the refund monies received. Purchases by a cooperative that were subsequently resold to nonmembers will not be covered by this presumption.

c. Resellers and Retailers Filing Small Claims. Resellers and retailers of Crown refined covered products claiming refunds of $5,000 or less, excluding accrued interest, are presumed to have been injured by Crown's alleged overcharges. Without this presumption, such an applicant would have to gather and analyze records dated as far back as 1973 in order to assemble proof that it absorbed the alleged overcharges. The cost to the applicant of gathering this information and to OHA of analyzing it, could exceed the actual refund amount. Under this injury presumption, a small claimant must only document the volume of Crown refined covered products that it purchased during the refund period in order to demonstrate injury. *See Texas Oil & Gas Corp.,* 12 DOE ¶ 85,069 at 88,210; *Office of Special Counsel,* 11 DOE ¶ 85,226 (1984).

d. Resellers and Retailers Filing Medium-Range Claims. In the PDO we proposed adopting the presumption that medium-range resellers and retailers (those seeking refunds of more than $5,000 but less than $50,000) absorbed 35 percent of Crown's alleged overcharges. Therefore, such resellers and retailers could elect to receive 35 percent of their full volumetric shares, without providing detailed demonstrations of injury. The use of a medium-range presumption reflects our conviction that these larger claimants were likely to have experienced some injury as a result of the alleged overcharges. *See Marathon, supra.* Joint comments on the PDO were received from the Controller of California and the Attorney General of Maryland objecting to the 35 percent injury presumption as being excessive, and unsupportable as to the amount of

[9] Purchases of deregulated products, *i.e.,* products that were no longer "covered" by the Mandatory Petroleum Price and Allocation Regulations, cannot be use in the calculation of an applicant's potential refund amount. Below is a list of products sold by Crown and the dates on which they were deregulated:

Product	Deregulation date
Motor gasoline, propane	January 28, 1981.
Butane, natural gasoline	January 1, 1980.
Aviation gas, jet fuel	February 26, 1979.
Naptnas, gas oils	September 1, 1976.
Benzene, toluene	September 1, 1976.
Middle distillates	July 1, 1976.
Residual fuel	June 1, 1976.

[10] The volumetric factor of $0.001 per gallon was computed by dividing the $7,652,600 in Crown consent order funds that were attributable to Crown's sales of refined covered products during the refund period by the 7,893,654,932 gallons of covered products sold by the firm during that same period. In the PDO the volumetric factor was incorrectly set at $0.0011 per gallon due to an unintentional understatement of the amount of Crown's sales of refined covered products.

[11] Only claims for at least $15 in principal will be processed. This minimum has been adopted in previous refund proceedings because the cost of processing claims for refunds of less than $15 outweighs the benefits of restitution in those situations. *See e.g.,* Uban Oil Company et al., 9 DOE ¶ 82,541 at 85,225 (1982). *See also* 10 CFR 205.286(b). In this proceeding, this consideration precludes claims based on purchases of less than 14,500 gallons of Crown refined covered products.

[12] Citing Getty Oil Company, 15 DOE ¶ 85,064 (1986) (Getty), Energy Refunds asserts that when calculating refund amounts under the medium-range presumption, the following absorption fractions should apply: (1) 40% for motor gasoline; (2) 50% for middle distillates; (3) 60% for natural gas liquid products; and (4) 100% for all other products. The different absorption fractions that we adopted in Getty, however, were based strictly on Getty's pricing data. Getty at 88,117. They are not relevant to the present proceeding. In addition, the use of a single average absorption fraction simplifies the refund procedures for the benefit of both the claimants and the DOE. Therefore, we will not adopt Energy Refunds' suggestion in this regard.

overcharge absorption. These comments, however, have been overtaken by more recent decisions in which we have adopted a general 40 percent absorption presumption for all medium-range claimants. *See* discussion, *infra*. In its comments on the PDO, Energy Refunds, Inc. of Hardin, Kentucky, (Energy Refunds) suggested that we adopt a variety of absorption fractions for the different products sold by Crown.[12] In a number of prior special refund proceedings, we performed a detailed economic analysis in order to determine product-specific levels of injury. *See, e.g., Mobil Oil Corp.*, 13 DOE ¶ 85,339 (1985). Based upon the results of that prior analysis, and also based upon national average profit margin data for resellers and retailers, we determined in *Gulf Oil Corp.*, 16 DOE ¶ 85,381 (1987) (*Gulf II*), that it was most efficient to adopt a single general presumptive level of injury of 40 percent for all medium-range claimants. *Gulf II* at 88,737. Because our decision in *Gulf II* was issued subsequent to the issuance of the Crown PDO, we will adopt the 40 percent presumptive level of injury for all medium-range claimants in this proceeding.

Therefore, in lieu of making a detailed showing of injury, a reseller or retailer claimant whose full volumetric share of the Crown refined product consent order funds exceeds $5,000 may elect to receive as its refund the larger of $5,000 or 40 percent of its full volumetric share up to $50,000.[13]

[12] Citing Getty Oil Company, 15 DOE ¶ 85,064 (1986) (Getty), Energy Refunds asserts that when calculating refund amounts under the medium-range presumption, the following absorption fractions should apply: (1) 40% for motor gasoline; (2) 50% for middle distillates; (3) 60% for natural gas liquid products; and (4) 100% for all other products. The different absorption fractions that we adopted in Getty, however, were based strictly on Getty's pricing data. Getty at 88,117. They are not relevant to the present proceeding. In addition, the use of a single average absorption fraction simplifies the refund procedures for the benefit of both the claimants and the DOE. Therefore, we will not adopt Energy Refunds' suggestion in this regard.

[13] That is, claimants who purchased between 5,000,000 gallons and 125,000,000 gallons of Crown refined petroleum products during the refund period (medium-range claimants) may elect to utilize this presumption. It should be noted, however, that claimants who purchased less than 12,500,000 gallons (and whose full volumetric share therefore does not exceed $12,500) could receive a larger refund under the small claims presumption than under the 40 percent medium-range injury presumption. Large resellers and retailers, *i.e.*, those who purchased more than 125,000,000 gallons (and whose full volumetric shares would therefore exceed $125,000) may elect to limit their claims to $50,000 and thereby qualify for a refund under the medium-range injury presumption.

e. Spot Purchaser. In the PDO we also proposed adopting the presumption that resellers and retailers that were spot purchasers of refined covered products from Crown, *i.e.*, made only sporadic, discretionary purchases, were not injured by the alleged overcharges, and therefore generally will not be eligible for refunds. The basis for this presumption is that spot purchasers tended to have considerable discretion as to where and when to make purchases and therefore would not have made purchases from Crown Central at increased prices unless they were able to pass through the full amount of their purchase price to their own customers. *See Office of Enforcement*, 8 DOE ¶ 82,597 at 85,396–97 (1981). Energy Refunds, citing *Tresler Oil Company/ Swifty Oil Company*, 16 DOE ¶ 85,659 (1987) (*Tresler*), also suggests that we allow spot purchasers to receive twenty percent of their full volumetric shares, without demonstrating injury. There is nothing in *Tresler*, however, to support such a suggestion,[14] and Energy Refunds has not provided any other reasoning that would support its suggestion regarding spot purchasers. Consequently, we will adopt the presumption of non-injury for spot purchasers outlined in the PDO.

The spot purchaser presumption, however, is rebuttable. In past refund proceedings, we have waived the presumption of non-injury for spot purchasers that demonstrated that (i) they did not have discretion in making the spot purchases; and (ii) they were forced by market conditions to resell the product at a loss that was not subsequently recouped. If a spot purchasers is able to rebut the non-injury presumption, its refund application will be evaluated according to the standards applicable to the claims of all other resellers and retailers. *See, e.g. Saber Energy, Inc./Mobil Oil Corp.*, 14 DOE ¶ 85,170 (1986).

f. Consignees. As in previous cases, in the PDO we proposed that consignees of Crown refined covered products were not injured by Crown's alleged pricing violations. *See, e.g., Jay Oil Company*, 16 DOE ¶ 85,147 (1987). In its comments, Energy Refunds, citing *Gulf II*, suggests that we allow Crown consignees to receive ten percent of their full volumetric shares without demonstrating injury. We explicitly stated in *Gulf II*, however, that the decision to adopt a ten percent injury level presumption for Gulf consignees was based solely on our previous experience in Gulf refund proceedings. *Gulf II* at 88,739. There is no basis for assuming that the factual body underlying the consignee presumptions in *Gulf II* is applicable to this case. Consequently, we will not adopt Energy Refunds' suggestion with regard to consignees. A consignee agent is an entity that sold products pursuant to an agreement whereby its supplier established the prices to be charged by the consignee with a fixed commission based upon the volume of products sold. A consignee may rebut this presumption of non-injury by showing that its sales volumes and corresponding commission revenues declined due to the alleged uncompetitiveness of Crown's pricing practices. *See Gulf Oil Corporation/C.F. Canter Oil Co.*, 13 DOE ¶ 85,388 at 88,962 (1986).

[14] In Tresler, the applicant was granted a refund on its purchases that were made under a long-term contract with the consent order firm, but was denied a refund on its spot purchases.

2. Non-Presumption Demonstration of Injury. A reseller or retailer with a full volumetric share in excess of $5000 that does not elect to receive a refund under either the small claims presumption or the 40 percent medium-range presumption will be required to document its injury. This showing will generally consist of two distinct elements. First, the claimant will be required to show that it maintained "banks" of unrecouped increased product costs (banked costs) in excess of the refund claimed [15] for each refined covered product that it purchased from Crown during the consent order period. *See 10 CFR 212.93(e).* Cost banks for a product should cover the period November 1, 1973,[16] through the date on which the product was decontrolled.[17] If a firm no longer has records of contemporaneously calculated cost banks for a particular product, it may approximate those banks by submitting the following information:

(1) The weighted average gross profit margin that the firm received for the product on May 15, 1973;

(2) A monthly schedule of the weighted average gross profit margins that it received for the product between

[15] Claimants who have previously relied upon banked costs in order to receive refunds in other special refund proceedings should subtract those refunds from the cumulative banked costs submitted in this proceeding. *See* Husky Oil Co./Metro Oil Products, Inc., 16 DOE ¶ 85,090 at 88,179 (1987).

[16] The regulations allowing resellers and retailers to bank unrecouped increased product costs did not take effect until November 1, 1973. *See* 10 CFR 212.93(e)(1)(i).

[17] Retailers and resellers of motor gasoline were required to maintain cost banks only until July 15, 1979 and April 30, 1980, respectively. Therefore, in showing injury with respect to their purchases of motor gasoline, such claimants will not be required to submit cost bank data up to the January 28, 1981 decontrol date of motor gasoline.

November 1, 1973, and the date on which the product was decontrolled. Because cost banks were not supplier specific, the calculation of these monthly weighted average gross profit margins should be based on the claimant's purchases of the product from all of its suppliers; and

(3) A monthly schedule of the firm's sales of the product between November 1, 1973, and the date on which the product was decontrolled.[18]

Second, a claimant must also provide evidence that market conditions forced it to absorb the alleged overcharges. *See National Helium Corp./Atlantic Richfield Co.*, 11 DOE ¶ 85,257 (1984), *aff'd sub nom. Atlantic Richfield Co. v. DOE*, 618 F.Supp. 1199 (D. Del. 1985). Such a showing could consist of a demonstration that the firm suffered a competitive disadvantage as a result of its purchases from Crown. *Id.; see also Allied Materials Corp./Great Plains Corp.*, 13 DOE ¶ 85,289 (1985). Generally, we will infer this to be true if the prices the applicant paid Crown were higher than average market prices for the same level of distribuition.[19] Accordingly, a claimant attempting to demonstrate injury should submit a monthly schedule of the weighted average prices that it paid Crown for each covered product that it purchased between August 20, 1973, and the date on which the product was decontrolled. *See* note 9, *supra*.

If a firm provides the above-mentioned cost bank and price data and subsequent analysis by this office shows that the firm is entitled to a smaller refund than it would have received under the small or medium-range claims injury presumptions, the firm cannot elect to receive a refund using either of those injury presumptions. If our analysis shows that the firm was not injured by any of its purchases, the firm will not be eligible to receive any refund.

IV. Applications for Refund

We will not accept Applications for Refund from purchasers of refined covered products sold by Crown during the period August 20, 1973, through January 27, 1981. All Applications for Refund must contain the following information:

(1) A conspicuous reference to the "Crown Central Corporation Refund Proceeding", the applicant's present name and address, and the name and address of the applicant during the refund period;

(2) The name, title, and telephone number of a person who may be contacted for additional information concerning the application;

(3) An explanation of how the claimant used the Crown products, *i.e.*, whether the applicant was a reseller, retailer, consignee, end user, public utility, cooperative, etc.;

(4) For each refined covered product, a monthly schedule of the number of gallons that it purchased from Crown during the August 20, 1973 through January 27, 1981 refund period.[20] If a claimant was an indirect purchaser of Crown refined covered products, it must also submit the name of its immediate supplier and indicate why it believes the products were originally sold by Crown;

(5) All relevant material necessary to support its claim in accordance with the injury presumptions and requirements outlined above in Section III, Part B;

(6) If the applicant was or is in any way affiliated with Crown, an explanation of the nature of that affiliation;

(7) A statement as to whether there was a change in ownership of the applicant's firm during or since the refund period. If there was such a change, the applicant must submit a detailed explanation of the transaction, as well as provide the names and addresses of the previous or subsequent owners;

(8) A statement as to whether the claimant is or has been involved in any DOE enforcement proceeding or private action filed under section 210 of the Economic Stabilization Act. If these actions have been concluded, the applicant should furnish a copy of any final order issued in the matter. If the action is still in progress, the applicant should briefly describe the action and its change in status. The applicant must inform OHA of any change in status while its Application for Refund is pending. *See* 10 CFR 205.9(d);

(9) A statement as to whether the applicant has received a refund, from any source, for the alleged overcharges identified in the ERA audits underlying this proceeding;

(10) A statement as to whether the claimant or a related firm has filed any other Application for Refund in this proceeding;

(11) A statement as to whether the claimant or a related firm has authorized any other firm or individual(s) to file an Application for Refund on the claimant's behalf in the Crown proceeding; and

(12) The following statement signed by the applicant or a responsible official of the business or organization claiming the refund: "I swear [or affirm] that the information submitted is true and accurate to the best of my knowledge and belief." *See* 10 CFR 205.283(c).

All Applications for Refund should be sent to: Crown Central Corporation Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

All applications must be filed in duplicate. A copy of each application will be available for public inspection in the Public Reference Room of the Office of Hearings and Appeals. Any claimant that believes that its Application for Refund contains confidential informaiton must submit two additional copies of the application from which the confidential information has been deleted, together with a statement specifying why the information is confidential.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Crown Central Petroleum Company pursuant to the Consent Order finalized on April 29, 1986, may now be filed.

(2) All applications for Refund from the alleged Crown Central Petroleum Company refined product overcharge funds must be postmarked by July 31, 1989.

(3) This is a final order of the Department of Energy.

Date: December 5, 1988.

George B. Brenznay,

Director, Office of Hearings and Appeals.

[FR Doc 88-28526 Filed 12-9-88; 8:45 am]

BILLING CODE 6450-01-M

[18] For motor gasoline, retailers and resellers have to submit the information detailed in subparagraphs (2) and (3) only through July 15, 1979 and April 30, 1980, respectively. *See* note 17, *supra*.

[19] We generally obtain average market price information from Platt's Oil Price Handbook and Oilmanac (Platt's). If price data for a particular product is not available from Platt's, the burden of supplying alternative information will be on the claimant.

[20] Because we will not process claims for less than $15 in principal, *see* note 11, *supra*, an applicant must have purchased at least 14,500 gallons of refined covered products from Crown during the refund period in order for us to consider its application. If an applicant submits estimated purchase volume figures, it must provide a detailed explanation of how it derived the estimates.

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3489-8]

Carcinogen Risk Assessment Guideline Meeting

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of meeting.

SUMMARY: This notice announces a scientific workshop, sponsored by the Environmental Protection Agency (EPA), for analysis and review of issues relating to EPA's Guidelines for Carcinogen Risk Assessment (51 FR 33992, September 24, 1986). The meeting will be held at the Virginia Beach Hotel and Conference Center in Virginia Beach, Virginia.

DATES: The Workshop will be held on January 11, 12, and 13, 1989, beginning on Wednesday, January 11 at 8:30 a.m. and ending Friday, January 13 at approximately 12:00 noon. Members of the public may attend as observers.

ADDRESSES: Eastern Research Group, Inc., an EPA contractor, is providing logistical support for the Workshop. To attend the Workshop as an observer, contact Ms. Trish Hasch, Eastern Research Group, Inc., 6 Whittemore Street, Arlington, Massachusetts 02174, Tel. (617) 648–7811/7800 by December 19, 1988. Space is limited.

FOR FURTHER INFORMATION CONTACT: Linda C. Tuxen, U.S. Environmental Protection Agency, RD–689, 401 M Street SW., Washington, DC 20460, Tel. (202) 475–6743 (FTS: 475–6743).

SUPPLEMENTARY INFORMATION: In 1984, EPA proposed, and Agency scientists began to apply, risk assessment guidelines for carcinogenicity, mutagenicity, suspect developmental toxicants, chemical mixtures, and exposure assessment. This guidance was developed with the understanding that risk assessment is an evolving scientific process and that continued study would lead to changes. As expected, there is new information and thinking in several areas of carcinogen risk assessment and the Agency has decided that review of EPA's Guidelines for Carcinogen Risk Assessment is appropriate at this time.

EPA is now assembling a panel of scientifically and technically qualified persons to discuss these guidelines at the workshop. Workshop panelists will address technical issues such as qualitative criteria for identifying carcinogenic hazards to humans and quantitative methods for extrapolating animal tumor data to expected levels of human exposure. Panelists will study and exchange information on the technical basis for the carcinogen risk assessment guidelines, and discuss any need for possible amendments. Approximately forty experts in toxicology, pharmacology, statistics, and related disciplines, are expected to participate as panelists.

EPA will use the workshop discussions as part of its information gathering efforts to assess the advisability of revising the Agency's carcinogen risk assessment guidelines. If the Agency proposes any changes in those guidelines, ample opportunity will be provided for public review and submission of written comments.

Dated: December 6, 1988.

Erich Bretthauer,

Acting Assistant Administrator for Research and Development.

[FR Doc. 88–28649 Filed 12–9–88; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3489–3]

Sole Source Aquifer Designation for the Head of the Neponset Aquifer Area, Massachusetts

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In response to a petition from the Town of Walpole, Massachusetts, notice is hereby given that the Regional Administrator, Region I, of the U.S. Environmental Protection Agency (EPA) has determined that the Head of the Neponset Aquifer (HNA) satisfies all determination criteria for designation as a sole source aquifer, pursuant to section 1424(e) of the Safe Drinking Water Act. The designation criteria include the following: The Head of the Neponset Aquifer area is the principal source of drinking water for the residents of that area; there are no viable alternative sources which can completely replace the drinking water supplied by the aquifer; the boundaries of the designated area and project review area have been reviewed and approved by EPA; and if contamination were to occur, it would pose a significant public health hazard to the area's residents. As a result of this action, all federal financially assisted projects proposed for construction or modification within the HNA area can be reviewed by EPA to reduce the risk of ground water contamination from these projects.

DATES: This determination shall be promulgated for purposes of judicial review at 1:00 p.m. Eastern time December 27, 1988.

ADDRESSES: The data upon which these findings are based are available to the public and may be inspected during normal business hours at the U.S. Environmental Protection Agency, Region I, JFK Federal Building, Water Management Division, WGP–2113, Boston, MA 02203. The designation petition submitted may also be inspected at the Wapole Town Library in Walpole, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Robert E. Mendoza, Chief of the Ground Water Management Section, EPA Region I, JFK Federal Building, WGP–2113, Boston, MA 02203, 617–565–3600.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300f, 300h–3(e), Pub. L. 93–523) states:

> If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a signficant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On May 10, 1988, EPA received a petition from the Town of Walpole, Massachusetts requesting designation of the Head of the Neponset Aquifer area as a sole source aquifer. EPA determined that the petition, after receipt and review of additional requested information fully satisfied the Completeness Determination Checklist. A public hearing was then scheduled and held on September 8, 1988, in Walpole, Massachusetts, in accordance with all applicable notification and procedural requirements. A four week public comment period followed the hearing.

II. Basis for Determination

Among the factors considered by the Regional Administrator as part of the detailed review and technical verification process for designating an area under section 1424(e) were:

(1) Whether the aquifer is the sole or principal source (more than 50%) of drinking water for the defined aquifer service area, and that the volume of water from an alternative source is insufficient to replace the petitioned aquifer;

(2) whether contamination of the aquifer would create a significant hazard to public health; and

(3) whether the boundaries of the deisgnated area; the project review area;

the aquifer service area; and the steamflow source area are appropriate. On the basis of technical information available to EPA at this time, the Regional Administrator has made the following findings in favor of designating the HNA area as a sole source aquifer:

1. The HNA is the principal source of drinking water to the residents within the service area.

2. There exists no reasonable alternative drinking water source or combination of sources of sufficient quantity to replace the amount supplied to the designated service area.

3. EPA has found that the Town of Walpole has appropriately delineated the boundaries of the designated area, project review area, aquifer service area and streamflow source area.

4. Although the quality of the area's ground water is rated as good to excellent, it is highly vulnerable to contamination due to the area's geological characteristics. Because of this, contaminants can be rapidly introduced into the aquifer system from a number of sources with minimal assimilation. This may include contamination from chemical spills, highway, urban and rural runoff, septic systems, leaking storage tanks, both above and underground, road salting operations, saltwater intrusion, and landfill leachate. Since more residents are dependent upon the aquifer for their drinking water, a serious contamination incident could pose a significant public health hazard to the service area's residents.

III. Description of the Head of the Neponset Aquifer Area, Aquifer Service Area, and Project Review Area

The HNA area covers over 30 square miles in eastern Massachusetts, south of Boston. It encompasses most of Walpole, and portions of Dover, Foxboro, Medfield, Norwood, Sharon, and Westwood. The area petitioned is the eastern portion of the Neponset River Watershed Basin. This area is the headwaters of the Neponset River; from here the river flows northward out of the basin and discharges into the Massachusetts Bay. The aquifer material consists of extensive deposits of stratified drift.

The designated area is defined as the surface area above the aquifer system and its recharge area. The northern, western, and southern boundaries of the area were delineated according to the USGS Hydrologic Investigations Atlas HA–484 (1973). The eastern boundary is based upon surface topography. This eastern boundary represents the surface water divide which separates those areas contributing to eastern portions of the Neponset Basin from those areas contributing to the western portion of the Basin. However, where the Neponset River flows out of the HNA area, the boundary was not based upon topography. Here the boundary was located at the border of the stratified drift and till deposits.

The project review area is defined as the area within which federal financially assisted projects can be reviewed by EPA. For the HNA, the boundary of the designated area coincides with the boundary of the project review area. This area includes the recharge area to the HNA. There is no separate streamflow source area.

The aquifer service area is the areal extent above the HNA and those lands where the entire population served by the aquifer live. For the HNA, this includes all of the towns of Foxboro, Medfield and Walpole, and portions of Dover, Norwood, Sharon and Westwood. Most residents of the service area depend on the ten public wells located in the HNA for their drinking water supply. There are also private wells located in the HNA. The population of the aquifer service area is 45,110 people. The petitioner determined that 68% of the drinking water for the aquifer service area is supplied by the HNA.

The petitioner also demonstrated that there were no reasonably available alternative sources of drinking water for the HNA area. Eight alternatives were investigated for this petition. Six of the alternatives were eliminated as possibilities for several reasons. The remaining alternative sources could potentially supply an amount that is significantly below the amount currently supplied by the HNA. There were no alternative sources that could completely replace the HNA.

IV. Information Utilized in Determination

The information utilized in this determination includes: The petition submitted to EPA Region I by the Town of Walpole; additional information requested from and supplied by the petitioner; written and verbal comments submitted by the public, and the technical papers and maps submitted with the petition. This information is available to the public and may be inspected at the address listed above.

V. Project Review

EPA Region I is working with the federal agencies most likely to provide financial assistance to projects in the project review area. Interagency procedures and Memoranda of Understanding have been developed through which EPA will be notified of proposed commitments by federal agencies to projects which could contaminate the HNA area. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments when appropriate. Should the Regional Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for federal financial assistance may be entered into. However, a commitment for federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to ensure that it will not contaminate the aquifer. Included in the review of any federal financially assisted project will be the coordination with state and local agencies and the project's developers. Their comments will be given full consideration, and EPA's review will attempt to complement and support state and local ground water protection measures. Although the project review process cannot be delegated, EPA will rely to the maximum extent possible on any existing or future state or local control measures to protect the quality of ground water in the HNA area.

VI. Summary and Discussion of Public Comments

The maority of comments received from the public supported designation of the HNA as a sole source aquifer. Over twenty comments were received from the public. None of these comments expressed opposition to the designation. A few comments raised questions about the implications of the designation and the status of the petition review. These questions were all answered completely. Notable letters of support were received from federal and local governments, as well as from residents. Reasons given for support include the following: (1) The dependence of the residents on the HNA for their drinking water supply; (2) there are no reasonably available alternative sources that can replace the amount of drinking water supplied by the HNA; (3) the growth and development in the HNA area which threaten the continued purity of the resource; and (4) the hope that the HNA's designation as a sole source aquifer will heighten public awareness of the vulnerability of the resource, and encourage further protective efforts.

Date: November 30, 1988.

Michael R. Deland,

Regional Administrator.

[FR Doc. 88-28459 Filed 12-9-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-817-DR]

Amendment to Notice of a Major Disaster Declaration; Arkansas

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA-817-DR), dated November 23, 1988, and related determinations.

DATED: December 5, 1988.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: Notice is hereby given that the incident period for this disaster is closed effective November 20, 1988.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 88-28444 Filed 12-9-88; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-818-DR]

Notice of Major Disaster and Related Determinations; North Carolina

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Carolina FEMA-818-Dr), dated December 2, 1988, and related determinations.

DATED: December 2, 1988.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

Notice: Notice is hereby given that, in a letter dated December 2, 1988, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*, Pub. L. 93-288, as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of North Carolina resulting from tornadoes and severe storms on November 28, 1988, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288, as amended by Pub. L. 100-707. I, therefore, declare that such a major disaster exists in the State of North Carolina.

You are authorized to provide Individual Assistance in the affected areas. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared major disaster: Currituck, Dare, Franklin, Halifax, Hyde, Nash, Northampton, Pamlico, and Wake Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Julius W. Becton, Jr.,

Director, Federal Emergency Management Agency.

[FR Doc. 88-28445 Filed 12-9-88; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; North Carolina State Ports

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200096-002

Title: North Carolina State Ports Authority Terminal Agreement.

Parties:

North Carolina State Ports Authority
Senator Linie.

Synopsis: The agreement adds a new paragraph (20) which clarifies that the term "Tariff Rate" whenever it appears in the agreement shall mean the tariff rate which was in effect at the beginning of any contract year as defined in paragraph 2 of the agreement.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: December 7, 1988.

[FR Doc. 88-28479 Filed 12-9-88; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed; American President Lines, Ltd., et al.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-000150-093

Title: Trans-Pacific Freight Conference of Japan.

Parties:

American President Lines, Ltd.,
Barber Blue Sea,
Kawasaki Kisen Kaisha, Ltd.,
Mitsui O.S.K. Lines, Ltd.,
A.P. Moller-Maersk Line,
Neptune Orient Lines Limited,
Nippon Liner System, Ltd.,
Nippon Yusen Kaisha,
Orient Overseas Container Line, Inc.,
Sea-Land Service, Inc.

Synopsis: The proposed modification would prohibit any member from entering into a loyalty contract, individually or jointly with another carrier, in the Agreement trades. It

would also prohibit members from entering into loyalty contracts by taking independent action.

Agreement No.: 202–003103–095

Title: Japan-Atlantic and Gulf Freight Conference.

Parties:

Barber Blue Sea,
Kawasaki Kisen Kaisha, Ltd.,
Mitsui O.S.K. Lines, Ltd.,
A.P. Moller-Maersk Line,
Neptune Orient Lines Limited,
Nippon Liner System, Ltd.,
Nippon Yusen Kaisha,
Orient Overseas Container Line, Inc.

Synopsis: The proposed modification would prohibit any member from entering into a loyalty contract, individually or jointly with another carrier, in the Agreement trades. It would also prohibit members from entering into loyalty contracts by taking independent action.

Agreement No.: 202–008054–031

Title: United States/South and East Africa Agreement.

Parties:

The Bank Line, Limited,
Navinter,
Lykes Bros. Steamship Co., Inc.,
P and O Containers, Ltd.,
Safbank Line, Ltd. (Safbank).

Synoposis: The proposed modification would permit the individual conference subgroups to meet with other outside parties to discuss and arrange matters of mutual interest. It would also make a number of non-substantive, administrative changes to the agreement.

Agreement No.: 202–009502–024

Title: United States/South and East Africa Agreement.

Parties:

The Bank Line, Limited,
Navinter,
Lykes Bros. Steamship Co., Inc.,
P and O Containers, Ltd.,
Safbank Line, Ltd. (Safbank).

Synopsis: The proposed modification would permit the individual conference subgroups to meet with other outside parties to discuss and arrange matters of mutual interest. It would also make a number of non-substantive, administrative changes to the agreement.

Agreement No.: 202–010829–007

Title: Eurocorde Discussion Agreement.

Parties:

North Europe-U.S. Atlantic Conference,
U.S. Atlantic-North Europe Conference,
Evergreen Marine Corp. (Taiwan), Ltd.,
American Transport Lines, Inc.,
Mediterranean Shipping Co.,
Orient Overseas Container Line (UK) Ltd.,
South Atlantic Cargo Shipping, N.V.,
Lykes Bros. Steamship Co., Inc.,
Polish Ocean Lines.

Synopsis: The proposed modification would set forth guidelines of general applicability to service contracts adopted by the parties with respect to terminal handling, container service, currency adjustment charges and Crazy Eddie/Most Favored Shipper clauses.

By Order of the Federal Marine Commission.

Dated: December 7, 1988.

Joseph C. Polking,

Secretary.

[FR Doc. 88–28480 Filed 12–9–88; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Agency Forms under Review

December 6, 1988.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATE: Comments must be received within ten calendar days of the date of publication in the **Federal Register.**

ADDRESS: Comments, which should refer to the OMB Docket number, should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551, or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m., Comments received may be inspected in Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.6(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the request for clearance (SF 83), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Martha Bethea—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202–452–3822).

Proposal to Approve Under OMB Delegated Authority the Extension With Revision of the Following Report

1. *Report title:* Pretest of the 1989 Survey of Consumer Finances
Agency form number: FR 3058
OMB Docket number: 7100–0238
Frequency: One-time
Reporters: Sample of households nationwide
Annual reporting hours: 63 hours
Estimated average hours per response: ¾ hour
Estimated number of respondents: 50
Small businesses are not affected.
General description of report:

This information collection is voluntary (12 U.S.C. 225a, 1828(c), 1842 and 1843). No problem of confidentiality arises since names and other characteristics that would permit personal identification of respondents will not be provided to survey sponsors.

This pretest would allow the testing of questions anticipated for the 1989 Survey of Consumer Finances to collect data on the assets, debts, income, work history, pension rights, use of financial services, and attitudes of a sample of U.S. households. The pretest will consist of inperson interviews from a sample of approximately 50 households.

Board of Governors of the Federal Reserve System, December 6, 1988.

William W. Wiles,

Secretary of the Board.

[FR Doc. 88-28441 Filed 12-9-88; 8:45 am]

BILLING CODE 6210-01-M

Brunswick Bancorp et al.; Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizng the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than Deecember 26, 1988.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Brunswick Bancorp*, New Brunswick, New Jersey; to engage *de novo* in making, acquiring, and servicing commercial loans, including but not limited to, loans secured by real property pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *Hudson Valley Holding Company*, Yonkers, New York; to engage *de novo* through its subsidiary, Hudson Valley Mortgage Corp., Valhalia, New York, and thereby engage in originating and making residential and mortgage loans for its own portfolio and sale in the secondary market and servicing loans originated and sold to other investors pursuant to § 225.25(b)(1) of Board's Regulation Y. Comments on this application must be received by December 22, 1988.

3. *KeyCorp*, Albany, New York; Key Atlantic Bancorp, Albany, New York; and Key Bancshares of New York, Inc., Albany, New York; to engage *de novo* through its subsidiary, Key Services Corporation, Albany, New York, in providing data processing and data transmission services, facilities, data bases, or access to such services, facilities data bases by any technological means where: the data to be processed or furnished are financial, or economic, and the services are provided pursuant to a written agreement so describing and limiting the services, the facilities are designed, marketed and operated for the processing and transmission of financial, banking, or economic data; and the hardware provided in connection therewith is offered only in conjunction with software designed and marketed for the processing and transmission of financial, banking, or economic data, and where the general purpose hardware does not constitute more than 30 percent of the cost of any packaged offering pursuant to § 225.25(b)(7) of the Board's Regulation Y. Comments on this application must be received by December 22, 1988.

B. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North Sixth Street, Philadelphia, Pennsylvania 19105:

1. *Keystone Financial, Inc.*, Harrisburg, Pennsylvania; to engage *de novo* through its subsidiary, Keystone Brokerage, Inc., Williamsport, Pennsylvania, in the provision of brokerage services restricted to buying and selling securities solely as agent for the account of customers and the purchase and redemption of shares of mutual funds and unit investment trusts as agent for the account of customers pursuant to § 225.25(b)(15) of the Board's Regulation Y. These activities will be conducted in the State of Pennsylvania.

C. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Commonwealth Financial Corporation*, Indiana, Pennsylvania, and S&T Bancorp, Inc., Indiana, Pennsylvania; to engage *de novo* through its subsidiary, Commonwealth Trust Credit Life Insurance Company, Phoenix, Arizona, in underwriting, as reinsurer, credit life and accident and health insurance directly related to extensions of credit by entities of the Applicants pursuant to § 225.25(b)(8) of the Board's Regulation Y. These activities will be conducted in Western and Central Pennsylvania.

D. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Maryland Bancorp*, Baltimore, Maryland, and Allied Irish Banks Limited, Dublin, Ireland; to engage *de novo* through its subsidiary, First National Mortgage Corporation, Baltimore, Maryland, in making, acquiring, or servicing loans or other extensions of credit for its own account or the account of others, secured by mortgages or deeds of trust on real property or condominiums; and participating in the secondary mortgage market in connection therewith pursuant to § 225.25(b)(1)(iii) of the Board's Regulation Y.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *The Aurora First National Company*, Aurora, Nebraska; to engage *de novo* through its subsidiary, First National Agency, Aurora, Nebraska, in insurance activities pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y. These activities will be conducted within the city limits of Aurora, Nebraska.

Board of Governors of the Federal Reserve System, December 5, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-28437 Filed 12-9-88; 8:45 am]

BILLING CODE 6210-01-M

CB&T Bancshares, Inc.; Acquisition of Company Engaged in Nonbanking Activities

The organization listed in this notice has applied under § 225.23 (a) or (f) of the Board's Regulation Y (12 CFR 225.23 (a) or (f)) for the Board's approval under section 4(c)(8) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise

noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 29, 1988.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *CB&T Bancshares, Inc.*, Columbus, Georgia; to acquire Calumet Financial Associates, Inc., Columbus, Georgia, and thereby expand its activities to include discount brokerage activities pursuant to § 225.25(b)(15) and investment advisory activities pursuant to § 225.25(b)(4) of the Board's Regulation Y. Applicant proposes to offer the services on a combined basis to both retail and institutional customers and its affiliates.

Board of Governors of the Federal Reserve System, December 5, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-28438 Filed 12-9-88; 8:45 am]

BILLING CODE 6210-01-M

Fairfield County Bancorp, Inc.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than January 3, 1989.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Fairfield County Bancorp, Inc.*, Stamford, Connecticut; to acquire 100 percent of the voting shares of Greenwich Trust Company, Cos Cob, Connecticut.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Enterprise Bancorp, Inc.*, Raleigh, North Carolina; to become a bank holding company by acquring 100 percent of the voting shares of Enterprise Bank, National Association, Raleigh, North Carolina.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First National Bank of Blue Island Employee Stock Ownership Trust*, Blue Island, Illinois; to become a bank holding company by acquiring 39 percent of the voting shares of Great Lakes Financial Resources, Inc., Blue Island, Illinois, and thereby indirectly acquire First National Bank of Blue Island, Blue Island, Illinois, and Community Bank of Homewood-Flossmoor, Homewood, Illinois.

Board of Governors of the Federal Reserve System, December 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doic. 88-28434 Filed 12-9-88; 8:45 am]

BILLING CODE 6210-01-M

Fleet/Norstar Financial Group, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f)) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closed related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than December 29, 1988.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusets 02106:

1. *Fleet/Norstar Financial Group, Inc.*, Providence, Rhode Island; to acquire Cary Grant & Company, Inc., Chicago, Illinois, and thereby engage in securities brokerage activities pursuant to § 225.25(b)(15) of the Board's Regulation Y.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice

President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Lakota Bank Holding Company, Inc.*, Lakota, North Dakota; to acquire Anderson Agency of Lakota, Inc., Lakota, North Dakota, and thereby engage in general insurance agency activities in a place with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii)(A)) of the Board's Regulation Y. These activities will be conducted in Lakota, North Dakota.

Board of Governors of the Federal Reserve System, December 5, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 28439 Filed 12-9-88; 8:45 am]

BILLING CODE 6210-01-M

Greenville Financial Corp. et al.; Formations of; Acquisition by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise, noted, comments regarding each of these applications must be received not later than December 30, 1988.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Greenville Financial Corporation*, Greenville, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Greenville National Bank, Greenville, South Carolina.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. **SouthTrust of Florida, Inc.**, St. Petersburg, Florida, and SouthTrust Corporation, Birmingham, Alabama; to acquire 100 percent of the voting shares of SouthTrust Bank of Sarasota County, Sarasota, Flordia, a *de novo* bank.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. **Bluestem Financial Corp.**, Fairbury, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Fairbury, Fairbury, Illinois.

2. **Foresight Financial Corp.**, Freeport, Illinois; to acquire 100 percent of the voting shares of Northwest Funding Co., Rockford, Illinois, and thereby indirectly acquire Northwest Bank of Rockford, Rockford, Illinois.

3. **Wellington Bancrop, Inc.**, Springfield, Illinois; to become a bank holding company by acquiring 97.6 percent of the voting shares of Community Bank, Hoopeston, Illinois.

D. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. **Freedom Financial Corporation**, Louisville, Kentucky; to become a bank holding company by acquiring at least 33.92 percent of the voting shares of Pennyrile Citizens Bank and Trust Company, Hopkinsville, Kentucky.

2. **Golden Triangle Banschares, Inc.**, Carrollton, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank, New Liberty, Kentucky.

E. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. **Jorgenson Holding Company**, Kenmare, North Dakota; to acquire 100 percent of the voting shares of The Citizens State Bank at Mohall, Mohall, North Dakota.

F. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. **Sequoyah County Bankshares, Inc.**, Sallisaw, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Sallisaw, Sallisaw, Oklahoma.

Board of Governors of the Federal Reserve System, December 5, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 28440 Filed 12-9-88; 8:45 am]

BILLING CODE 6210-01-M

PNC Financial Corp.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than January 3, 1989.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania; to acquire 100 percent of the voting shares of Bank of Delaware

Corporation, Wilmington, Delaware, and thereby indirectly acquire Bank of Delaware, Wilmington, Delaware.

In connection with this application, New Financial Corp, Wilmington, Delaware; has applied to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Delaware Corporation, Wilmington, Delaware, and thereby indirectly acquire Bank of Delaware, Wilmington, Delaware.

In connection with these applications, Applicants have also applied to acquire two nonbank subsidiaries of Bank of Delaware Corporation, Wilmington, Delaware: Del Vest, Inc., Wilmington, Delaware—a Delaware Corporation which provides portfolio investment advisory services for institutional and individual customers pursuant to § 225.25(b)(4) of the Board's Regulation Y; and Christine Life Insurance Company, Wilmington, Delaware—an Arizona Corporation which underwrites, as reinsurer, credit life, disability, accident, and health insurance policies written in conjunction with loans made by Bank of Delaware pursuant to § 225.25(b)(8) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–28435 Filed 12–9–88; 8:45 am]

BILLING CODE 6210–01–M

Village Financial Corp. Employee Stock Ownership Plan et al.; Change in Bank Control; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 224.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 29, 1988.

A. **Federal Reserve Bank of Boston** (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Village Financial Corporation Employee Stock Ownership Plan,* Gilford, New Hampshire; to acquire 13.15 percent of the voting shares of Village Financial Corporation, Gilford, New Hampshire, and thereby indirectly acquire Village Bank and Trust Company, Gilford, New Hampshire.

B. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Lifton Family* (Martin Lifton, Elinor Lifton, Steven J. Lifton, Bruce G. Lifton and Judie B. Lifton), all of Old Westbury, New York; to acquire 35.0 percent of the voting shares of Great Neck Bancorp, Great Neck, New York, and thereby indirectly acquire Bank of Great Neck, Great Neck, New York.

C. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First State Bank of Fort Benton Employee Stock Ownership Plan and Trust,* Fort Benton, Montana; to acquire 17.62 percent of the voting shares of Chouteau County Bancshares, Inc., Fort Benton, Montana, and thereby indirectly acquire First State Bank of Fort Benton, Fort Benton, Montana.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Alfred F. Boudreau, Jr. Trust,* Tulsa Oklahoma; to acquire an additional 0.24 percent of the voting shares of Brookside Bancshares, Inc., Tulsa, Oklahoma, and thereby indirectly acquire Brookside State Bank, Tulsa, Oklahoma.

2. *Katherine F. Boudreau Trust,* Tulsa Oklahoma; to acquire an additional 0.24 percent of the voting shares of Brookside Bancshares, Inc., Tulsa, Oklahoma, and thereby indirectly acquire Brookside State Bank, Tulsa, Oklahoma.

3. *Robert E. Craine, Jr.,* Tulsa Oklahoma; to acquire an additional 33.3 percent of the voting shares of Woodland Bancorp, Inc., Tulsa, Oklahoma, and thereby indirectly acquire Woodland Bank, Tulsa, Oklahoma.

4. *Mary K. Sanditen,* Tulsa, Oklahoma; to acquire an additional 0.91 percent of the voting shares of Woodland Bancorp, Inc., Tulsa. Oklahoma, and thereby indirectly acquire Woodland Bank, Tulsa, Oklahoma.

E. **Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Mr. Sammy P. Pierce,* Bellville, Texas, to acquire 16.29 percent of the voting shares of Community Bancorporation, Inc., Bellville, Texas and thereby indirectly acquire The First National Bank of Bellville, Bellville, Texas, and The Waller Bank, N.A., Waller, Texas.

2. *Pierce Sale Company, Trustee of Profit Sharing Plan and Trust,* Bellville. Texas, to acquire 10.25 percent of the voting shares of Community Bancorporation, Inc., Bellville, Texas, and thereby indirectly acquire The First National Bank of Bellville, Bellville, Texas, and The Waller Bank, N.A., Waller, Texas.

3. *Pilot Point Bancorp, Inc., Employee Stock Ownership Plan,* Pilot Point, Texas, to acquire 13.33 percent of the voting shares of Pilot Point Bancorp, Inc., Pilot Point, Texas, and thereby indirectly acquire The Pilot Point National Bank, Pilot Point, Texas.

Board of Governors of the Federal Reserve System, December 6, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88–28436 Filed 12–9–88; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88B–0357]

Recommendations for Chemistry Data for Indirect Food Additive Petitions; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of single copies of the "Recommendations for Chemistry Data for Indirect Food Additive Petitions." These recommendations replace the "FDA Guidelines for Chemistry and Technology Requirements of Indirect Food Additive Petitions" that are currently in use.

ADDRESS: Requests for single copies of the "Recommendations for Chemistry Data for Indirect Food Additive Petitions" to the Division of Food and Color Additives (HFF–330), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C Street SW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Center for Food Safety and Applied Nutrition (HFF–330), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of single copies of the "Recommendations for Chemistry Data for Indirect Food Additive Petitions" from the Division of Food and Color Additives. These recommendations supersede the "FDA Guidelines for Chemistry and Technology Requirements of Indirect Food Additive Petitions" issued in March 1976. Single copies of the recommendations may be requested from the Division of Food and Color Additives (address above).

Dated: December 2, 1988.

Ronald G. Chesemore,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 88-28420 Filed 12-9-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88N-0414]

Drug Export; ENLON® (Edrophonium Chloride Injection, USP)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Anaquest has filed an application requesting approval for the export of the human drug ENLON® (edrophonium chloride injection, USP) to Canada and Switzerland.

ADDRESS: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Rudolf Apodaca, Division of Drug Labeling Compliance (HFD-310), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8063.

SUPPLEMENTARY INFORMATION: The Drug Export Amendments Act of 1986 (Pub. L. 99-660) (section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382)) provides that FDA may approve applications for the export of drugs that are not currently approved in the United States. The approval process is governed by section 802(b) of the act. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Anaquest, 100 Mountain Ave., Murray Hill, New Providence, NJ 07974, has filed an application requesting approval for the export of the drug ENLON® (edrophonium chloride injection, USP), to Canada and Switzerland. This drug is recommended as a reversal agent or antagonist of nondepolarizing muscle relaxants (neuromuscular blocking agents) such as tubocurarine, atracurium, vecuronium, metocurine, or pancuronium, and as adjunctive therapy in the treatment of respiratory depression caused by curare overdosage. The application was received and filed in the Center for Drug Evaluation and Research on November 15, 1988, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by December 22, 1988, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802, Pub. L. 99-660 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: December 2, 1988.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 88-28478 Filed 12-9-88; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Vaccines and Related Biological Products Advisory Committee Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

Meeting: The following advisory committee meeting is announced:

Vaccines and Related Biological Products Advisory Committee

Date, time, and place. December 19, 1988, 8:30 a.m., Lister Hill Auditorium, National Institutes of Health, Bldg. 38A, 8600 Rockville Pike, Bethesda, MD.

Type of Meeting and Contact Person

Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 3:30 p.m.; Jack Gertzog, Center for Drug Evaluation and Research (HFD-9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5455.

General Function of the Committee

The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drugs for use in the diagnosis, prevention, or treatment of human diseases. The committee also reviews and evaluates the quality and relevance of FDA's research program which provides scientific support for the regulation of these products.

Agenda—Open Public Hearing

Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person as soon as possible.

Open Committee Discussion

The committee will review a pending investigational new drug for tumor-infiltrating lymphocyte cells into which a gene marker (neoR) has been inserted.

FDA is giving less than 15 days public notice of this Vaccines and Related Biological Products Advisory Committee meeting because it involves an expedited review of a biologic intended for a life-threatening illness, consistent with FDA's new initiative for expediting the review of such products. The next

regularly scheduled meeting of the committee is January 30 to February 1, 1989. FDA did not believe it appropriate to wait that long. The agency decided that it was in the public interest to hold this scientific review on December 19, 1988, even if there was not sufficient time for the customary 15-day public notice.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (Subpart C of 21 CFR Part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR Part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

Details on the agenda, questions to be addressed by the committee, and a current list of committee members are available from the contact person before and after the meeting. Transcripts of the open portion of the meeting will be available from the Freedom of Information Office (FHI–35), Food and Drug Administration, Room 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, Room 4–62, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting will be available from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), and FDA's regulations (21 CFR Part 14) on advisory committees.

Dated: December 7, 1988.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 88–28477 Filed 12–7–88; 3:11 pm]

BILLING CODE 4160–01–M

Health Resources and Services Administration

Final Funding Priorities for Grants for Faculty Development in Family Medicine

The Health Resources and Services Administration announces the final funding priorities for Fiscal Year 1989 for Grants for Faculty Development in Family Medicine authorized under section 786(a), Title VII of the Public Health Service Act, as amended by Pub. L. 100–607.

Section 786(a) of the Public Health Service Act authorizes the award of grants to public or nonprofit private hospitals, schools of medicine or osteopathy, or other public or private nonprofit entities to assist in meeting the cost of planning, developing and operating programs for the training of physicians who plan to teach in family medicine training programs. In addition, section 786(a) authorizes assistance in meeting the cost of supporting physicians who are trainees in such programs and who plan to teach in a family medicine training program.

To receive support, programs must meet the requirements of regulations as set forth in 42 CFR Part 57, Subpart Q.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The degree to which the proposed project provides for the project requirements;

(2) The administrative and management ability of the applicant to carry out the proposed project in a cost-effective manner; and

(3) The potential of the project to continue on a self-sustaining basis.

In addition, the following mechanisms may be applied in determining the funding of approved applications:

1. Funding Preferences

Funding of a specific category or group of approved applications ahead of other categories or groups of applications, such as competing continuations ahead of new projects.

2. Funding Priorities

Favorable adjustment of review scores when applications meet specified objective criteria.

3. Special Considerations

Enhancement of priority scores by merit reviewers based on the extent to which applications address special areas of concern.

Proposed funding priorities were published in the **Federal Register** of September 13, 1988 (FR 35385) under Grants for Faculty Development in Family Medicine. No comments were received during the 30-day comment period.

Therefore, the funding priorities as proposed are retained as follows.

Final Funding Priorities

In determining the order of funding of approved applications a funding priority will be given to the following:

(1) Projects which satisfactorily demonstrate a net increase in enrollment of underrepresented minorities in proportion or more to their numbers in the general population or can document extent to which applicant attracts, retains and assures program completion of underrepresented minorities (i.e. Black, Hispanic and American Indian/Alaskan Native Minority trainees).

(2) Applications proposing to develop, expand or implement curricula concerning ambulatory and inpatient case management of those with HIV infection-related diseases.

(3) Applications which are innovative in their educational approaches to quality assurance/risk management activities, monitoring and evaluation of health care services and utilization of peer-developed guidelines and standards.

(4) Applications designed to develop faculty competence for teaching geriatrics content and/or develop educational materials for teaching geriatric content to medical students, residents and practitioners.

This program is listed at 13.895 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR Part 100).

Dated: December 7, 1988.

John H. Kelso,

Acting Administrator.

[FR Doc. 88-28476 Filed 12-9-88; 8:45 am]

BILLING CODE 4160-15-M

Final Funding Priorities for Grants for Residency Training in General Internal Medicine and General Pediatrics

The Health Resources and Services Administration announces the final funding priorities for Fiscal Year 1989 for Grants for Residency Training in General Internal Medicine and General Pediatrics authorized under section 784, Title VII of the Public Health Service Act, as amended by Pub. L. 100-607.

Section 784 authorizes the award of grants for planning, developing and operating approved residency training programs which emphasize the training of residents for the practice of general internal medicine or general pediatrics. In addition, section 784 authorizes assistance in meeting the cost of supporting residents who are participants in any such program, and who plan to specialize or work in the practice of general internal medicine or general pediatrics.

Eligible applicants are accredited schools of medicine and osteopathy, public and private nonprofit hospitals, or other public or private nonprofit entities.

To receive support, programs must meet the requirements of final regulations as specified in 42 CFR Part 74, Subpart FF.

Review Criteria

The review of applications will take into consideration the following criteria:

(1) The degree to which the proposed project adequately provides for the project requirements set forth in the regulations;

(2) The administrative and management capability of the applicant to carry out the proposed project in a cost-effective manner;

(3) The qualifications of the proposed staff and faculty; and

(4) The potential of the project to continue on a self-sustaining basis.

In addition, the following mechanisms may be applied in determining the funding of approved applications:

1. Funding preferences—funding of a specific category or group of approved applications ahead of other categories or groups of applications, such as competing continuations ahead of new projects.

2. Funding priorities—favorable adjustment of review scores when applications meet specified objective criteria.

3. Special consideration—enhancement of priority scores by merit reviewers based on the extent to which applications address special areas of concern.

Proposed funding priorities were published in the Federal Register of September 13, 1988 (53 FR 35385) for public comment under Grants for Residency Training in General Internal Medicine and General Pediatrics. No comments were received during the 30-day comment period.

Therefore, the funding priorities as proposed are retained as follows.

Final Funding Priorities

In determining the order of funding of approved applications a funding priority will be given to:

(1) Projects which satisfactorily demonstrate a net increase in enrollment of underrepresented minorities in proportion or more to their numbers in the general population or can document extent of demonstrated net increase of underrepresented minorities (i.e., Black, Hispanic and American Indian/Alaskan Native) over average enrollment of the past three years in postgraduate year (PGY) trainees.

(2) Projects in which substantial training experience is in a PHS 332 health manpower shortage area and/or PHS 329 migrant health center, PHS 330 community health center, PHS 781 funded Area Health Education Center, or State designated clinic/center serving an underserved population.

(3) Applications proposing to develop, expand or implement curricula concerning ambulatory and inpatient case management of those with HIV infection-related diseases.

(4) Applications which are innovative in their educational approaches to quality assurance/risk management activities monitoring and evaluation of health care services and utilization of peer-developed guidelines and standards.

This program is listed at 13.884 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, (as implemented through 45 CFR Part 100).

Dated: December 7, 1988.

John H. Kelso,

Acting Administrator.

[FR Doc. 88-28475 Filed 12-9-88; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Office of the Assistant Secretary for Health; National Vaccine Injury Compensation Program; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority of November 28, 1988, from the Secretary of Health and Human Services to the Assistant Secretary for Health, the Assistant Secretary for Health has redelegated the authorities delegated to him under Part A (42 U.S.C. 300aa-10 *et seq.*) and Part D (42 U.S.C. 300aa-31 *et seq.*), Subtitle 2 of Title XXI of the Public Health Service Act, as amended, to the Administrator, Health Resources and Services Administration.

Redelegation

This authority may be redelegated.

Effective Date: This delegation became effective on December 2, 1988. In addition, I have affirmed and ratified any actions taken by the Administrator, Health Resources and Services Administration and his subordinates, which involved the exercise of the authorities delegated herein prior to the effective date of delegation.

Date: December 2, 1988.

Robert E. Windom,

Assistant Secretary for Health.

[FR Doc. 88-28442 Filed 12-9-88; 8:45 am]

BILLING CODE 4160-15-M

Centers for Disease Control General Powers and Duties Under Title III of the Public Health Service Act, as Amended; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of September 21, 1988 (53 FR 36644), by the Assistant Secretary for Health to the Director, Centers for Disease Control (CDC), the Director, CDC, has delegated to the Director, National Center for Health Statistics, CDC, with authority to redelegate, the following authorities under title III of the Public Health Service Act (42 U.S.C. 241 *et seq.*), as amended:

Section 304

General Authority Respecting Research, Evaluations, and Demonstrations in Health Statistics, Health Services, and Health Care Technology Assessment, excluding the authority under section 304(b)(4).

Section 306

National Center for Health Statistics, excluding the authorities under sections 306(j) and 306(k).

This delegation includes the authority to determine what assurances of confidentiality under section 308(d) are necessary.

Provision has been made for previous delegations and redelegations from the Director, National Center for Health Statistics, of authorities under sections 304 and 306 to remain in effect for no longer than 90 days from the effective date of this delegation, provided they are consistent with this delegation.

This delegation to the Director, National Center for Health Statistics, CDC, became effective on November 25, 1988.

Date: November 25, 1988.

James O. Mason,

Director, Centers for Disease Control.

[FR Doc. 88-28528 Filed 12-9-88; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Environmental Impact Statement; National Wildlife Refuges Management

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability of a draft environmental impact statement for the management of the national wildlife refuges.

SUMMARY: The U.S. Fish and Wildlife Service has prepared, for public review, a Draft Environmental Impact Statement for the Management of the National Wildlife Refuges pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. The Statement describes four alternatives for managing the national wildlife refuges and the environmental consequences of implementing each alternative.

DATES: During the public review period, public meetings will be held at various locations throughout the United States. Meetings have been scheduled as follows:

January 4, 1989, at 7:00 p.m. at the Fairview Community Center, 1121 East 10th Avenue, Anchorage, AK. USFWS Contact: Bill Knauer (907) 786-3399.

January 10, 1989, at 7:00 p.m. at the 7th Floor Conference Room, One Gateway Center, Newton Corner, MA. USFWS Contact: Curt Laffin (617) 965-5100 Ext. 222.

January 17, 1989, at 7:00 p.m. at the Sheraton Hotel and Conference Center, 360 Union Boulevard, Lakewood, CO. USFWS Contact: Jerry Nugent (303) 236-8150.

January 18, 1989, at 7:00 p.m. at the L. D. Strom Auditorium, Richard B. Russell Federal Building, 75 Spring St., SW., Atlanta, GA USFWS Contact: Ken Butts (404) 331-0834.

January 18, 1989, at 9:00 p.m. at the Large Buffet Room, Main Interior Building Cafeteria, 18th and C Streets, NW., Washington, DC. USFWS Contact: Sean Furniss (202) 343-4944.

January 19, 1989, at 7:00 p.m. at the Doublewood Ramada, Exit 36 and I-94, Bismark, ND. USFWS Contact: Jerry Nugent (303) 236-8150.

January 20, 1989, at 12:00 noon at 16th Floor Conference Room, 500 NE Multnomah St., Portland, OR. USFWS Contact: Ty Planz (503) 232-6171.

January 24, 1989, at 8:00 p.m. at the Continuing Education Conference Center, 1634 University Boulevard, Albuquerque, NM. USFWS Contact: Linda Hagen (505) 765-8044.

January 24, 1989, at 7:30 p.m. at the Thunderbird Motel, 2201 East 78th St., Bloomington, MN. USFWS Contact: Wayne Weier (612) 725-3306.

January 26, 1989, at 7:30 p.m. at the Stouffer Concourse Hotel, 9801 Natural Bridge Road, St. Louis, MO. USFWS Contact: Wayne Weier (612) 725-3306.

FOR FURTHER INFORMATION CONTACT: Sean Furniss, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC 20240; telephone (202) 343-4944.

SUPPLEMENTARY INFORMATION: A summary of the environmental impact statement has been prepared and will be sent to all persons and organizations who participated in any part of the review process, such as scoping meetings or in other types of communication with the planning team. Copies of the complete draft environmental impact statement will be sent to Federal and State agencies, local governments, and other organizations and individuals who have already requested copies. A limited number of copies of both documents are available upon request from the environmental impact statement coordinators listed below.

Written and oral comments will be accepted at the public meetings. To be considered in the preparation of the final environmental impact statement, all comments should be received by no later than March 13, 1989.

Copies of the Draft Environmental Impact Statement are available for public review at the offices listed below:

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, 500 NE. Multnomah Street, Suite 1692, Portland, OR 97232.

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue, SW., Room 1306, Albuquerque, NM 87103.

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111.

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, Room 1200, Richard B. Russell Federal Building, 75 Spring Street, SW., Atlanta, GA 30303.

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, MA 02158.

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225.

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 9503.

Refuges and Wildlife, Refuge EIS Coordinator, U.S. Fish and Wildlife Service, 18th and C Streets, NW., Washington, DC 20240.

Date: December 6, 1988.

Frank Dunkle,

Director.

[FR Doc. 28448 Filed 12-9-88; 8:45 am]

BILLING CODE 4310-55

Bureau of Land Management

Meetings; Las Vegas District Advisory Council

ACTION: Las Vegas District Advisory Council Meeting, Clark County, Nevada.

Notice is hereby given in accordance with Pub. L. 92–463, that a meeting of the Bureau of Land Management Las Vegas District Advisory Council has been set for Thursday, December 22, 1988.

The meeting will be held in the Conference Room of the Bureau of Land Management Las Vegas District Office, 4765 W. Vegas Drive, Las Vegas, Nevada, beginning at 8:00 a.m.

The Meeting Agenda is as follows:

1. Agenda approval and review of last meeting's minutes.
2. Review of TRI-District Advisory Council Meeting.
3. Preview of the Las Vegas District Tortoise Management Plan.
4. Review of the nomination process for appointment to the advisory council.
5. Public Comments.

The meeting of the Las Vegas District Advisory Council is open to the public. Persons wishing to appear before the Council and give public comments may do during the Public Comment portion of the agenda. Those wishing to make comments should notify the BLM Las Vegas District Manager, 4765 West Vegas Drive, P.O. Box 26569, Las Vegas, Nevada, (702) 646–8800, during normal business hours (7:30 a.m. until 4:15 p.m. week days) prior to the meeting.

Summary minutes of the District Advisory Council meeting will be maintained at the BLM Las Vegas District Office.

Ben F. Collins,

District Manager.

[FR Doc. 88–28485 Filed 12–9–88; 8:45 am]

BILLING CODE 4310–HC–M

[AK 040–09–4230–10; AA–44380]

Realty Action; Classification of Public Lands for Federal Land Policy Management Act Section 302 Lease

AGENCY: Anchorage District Office, Bureau of Land Management, Department of the Interior.

ACTION: Notice of Realty Action.

SUMMARY: The following described lands, located approximately 26 miles west of Haines, Alaska in the Haines Borough have been classified as suitable for lease pursuant to section 302 of the Federal Land Policy Management Act (FLPMA):

Section 18, T. 30 S., R. 55 E., Copper River Meridian, containing 1.0 acres.

Albert C. Gilliam, d.b.a. Alaska CrossCountry Guiding and Rafting has applied for a one (1) acre site on which to operate a commercial recreation guiding business. The lease is intended to legalize improvements in existence for several years. This lease is a non-competitive offering at fair market value to the existing holder of titled improvements. Fair market rental is estimated to be $100.00 per year.

The terms and conditions of the lease are as follows:

The lease authorizes only existing improvements. Additional construction must be approved in writing by the authorized officer. The term is initially 10 years. The lease is renewable at the discretion of the authorized officer and transferable only with BLM approval. As a condition of holding this lease, the applicant or holder will comply with the requirements for a Special Recreation Permit by June 30, 1989, specifically the requirements contained in 43 CFR 8370. If the applicant or holder fails to meet these requirements, the BLM will terminate the lease, require that the premises be vacated and treat the improvements an unauthorized occupancy and use of public lands according to regulations found in 43 CFGR 9230.

SUPPLEMENTARY INFORMATION: Detailed information concerning this action, including the Land Report and Environmental Assessment, is available for review at the Anchorage District Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507 or call Robert Lloyd, Realty Specialist, at (907) 267–1254.

For a period of 45 days from the date of publication of this notice, interested parties may submit comments at the above address. Any adverse comments will be evaluated by the Anchorage District Manager who may cancel or modify this action and issue a final determination. In the absence of any adverse action by the Anchorage District Manager, this will become the final determination of the Department of the Interior.

Richard J. Vernimen,

Anchorage District Manager.

[FR Doc. 88–28467 Filed 12–9–88; 8:45 am]

BILLING CODE 4310–JA–M

[AK–040–09–4210–12]

Classification Termination; Alaska

AGENCY: Anchorage District Office, Bureau of Land Management, Interior.

ACTION: Notice; classification termination, Alaska.

SUMMARY: This notice terminates the recreation and public purposes classification of November 12, 1963.

FOR FURTHER INFORMATION CONTACT: Richard J. Vernimen, District Manager, 6881 Abbott Loop Road, Anchorage, AK 99507 (907) 267–1248.

EFFECTIVE DATE: November 30, 1988.

SUPPLEMENTARY INFORMATION: Pursuant to 43 CFR 2091.7–1, the Bureau of Land Management hereby terminates the Recreation and Public Purposes Classification of November 12, 1963 which involves the following described lands:

Seward Meridian, Alaska

Partially Surveyed T. 16 N., R. 4 E., Sec. 34.

The area described contains 640 acres located within the Matanuska-Susitna Borough, Alaska.

In 1963 the Bureau of Land Management classified these lands as suitable for lease or sale under the Recreation and Public Purposes Act of June 14, 1926, (43 U.S.C. 869, 869–1 to 869–4), as amended, for public sanitation, protection and recreation, subject to application by a governmental body only. The classification provided for segregation of the lands against all forms of appropriation under the public land laws, including location under the mining laws, but not including the Recreation and Public Purposes Act or the mineral leasing laws. The state of Alaska wishes to receive conveyance of these lands for recreational purposes. The state is eligible to receive these lands under section 6(b) of the Alaska Statehood Act of July 7, 1958, (48 U.S.C. prec. 21), and section 906(e) of the Alaska National Interest Lands Conservation Act of December 2, 1980, (43 U.S.C. 1635(e)). It is BLM-Alaska's policy that state entitlements under the Alaska Statehood Act take priority over other disposals of public land. Therefore, the Recreation and Public Purposes classification and segregation is hereby terminated. The lands are not available for application or entry under the public land laws; they will be made available to the state of Alaska under the above authorities.

Richard J. Vernimen,

District Manager.

[FR Doc. 88–28466 Filed 12–9–88; 8:45 am]

BILLING CODE 4310–JA–M

[AZ-920-09-4212-12 and 15; A-8168(E), A-21576 and A-23651]

Arizona; Reconveyance and Classification of Public Land for Recreation and Public Purposes and State Indemnity Selection

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the reconveyance of land by the State of Arizona and Lake Havasu City to the United States. The State of Arizona incorrectly selected a 1.38 acre parcel of land in sec. 20, T. 13 N., R. 20 W., under State Indemnity Selection Application A-8168(E). The parcel was transferred to the State of Arizona in Indemnity Selection List No. 591. The parcel the State of Arizona intended to select was transferred to Lake Havasu City under the Recreation and Public Purpose Act by Patent No. 02-87-0009. Lake Havasu City has agreed to accommodate the State of Arizona by reconveying their parcel to the United States for transfer to the State of Arizona. In return, the State of Arizona has reconveyed their parcel to the United States for transfer to Lake Havasu City.

FOR FURTHER INFORMATION CONTACT: Lisa Schaalman, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011 (602) 241-5534.

SUPPLEMENTARY INFORMATION: On November 7, 1986, the Bureau of Land Management issued Indemnity Selection List No. 591 under the Act of June 20, 1910 (36 Stat. 557), as authorized by Pub. L. 99-632 dated November 7, 1986. On September 12, 1988, the State of Arizona notified the Bureau of Land Management that they erroneously selected a 1.38 acre parcel of land in Mohave County. This parcel is reconveyed to the United States by Deed of Reconveyance 96-96098 and is described as:

Gila and Salt River Meridian

T. 13 N., R. 20 W.,
Sec. 20 metes and bounds parcel in lot 6.

Title to the above land was accepted December 1, 1988. The land has been found suitable for classification for convenyance to Lake Havasu City under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 *et seq.*). Lake Havasu City has filed an application to use the land for a fire station site.

The land is not needed for Federal purposes. Conveyance of this parcel to Lake Havasu City is consistent with current BLM land use planning and would be in the public interest.

The conveyance document, when issued, will be subject to the following terms, conditions, and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States.

4. Rights-of-way A-9075, A-9076, A-11637, A-18455 and A-21580.

5. Excepting and reserving to the United States ownership of all land below elevation 450 feet mean sea level with certain limitations. Title thereto shall remain in the United States as required by 43 U.S.C. 498.

Subject to all valid existing rights, the land is hereby segregated from appropriation under all other public land laws, including location under the mining laws. This segregation will terminate upon issuance of a patent, publication of a Notice of Termination, or 18 months from the date of this publication, whichever occurs first.

In return, Lake Havasu City reconveyed the following land to the United States:

Gila and Salt River Meridian

T. 13 N., R. 20 W.,
Sec. 21, lot 5.

The area described contains 1.38 acres in Mohave County.

Title to the above land was accepted December 1, 1988.

The Arizona State Land Department has filed a corrected application to acquire the land described above under the provisions of sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), in lieu of certain State Trust land taken by the Secretary of Interior, Bureau of Reclamation, for construction of the Central Arizona Project. This application has been assigned serial number A-8168 (E).

The land described above has been determined suitable to be classified for transfer. This classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and section 7 of the Act of June 28, 1934.

The land will be subject to the following reservations, terms and conditions:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States.

2. Rights-of-way A-9075, A-9076, A-1137, A-18455 and A-21580.

3. All valid existing rights.

The filing of the corrected application under the provisions of Subpart 2621 segregated the land described above from settlement, sale, location or entry under the public land laws, including the mining laws, but not the mineral leasing laws. This segregation will terminate upon issuance of a document of conveyance, publication of Notice of Termination, or the expiration of 2 years from the date of filing.

For a period of 60 days from the date of publication of this Notice in the **Federal Register**, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification, may present their views in writing to the State Director, Bureau of Land Management, P.O. Box 16563, Phoenix, Arizona 85011.

Any adverse comments will be evaluated by the State Director who will issue a notice of determination to proceed with, modify or cancel the action. In the absence of any action by the State Director, this classification will become the final determination of the Department of the Interior.

John T. Mezes,

Chief, Branch Lands and Minerals Operations.

[FR Doc. 88-28484 Filed 12-11-88; 8:45 am]

BILLING CODE 4310-22-M

[NV-930-09-4212-14; N-49532]

Realty Action; Direct Sale on Public Lands in Elko County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; sale of the community landfill to the City of Carlin, Nevada.

SUMMARY: The following land has been found suitable for direct sale to the City of Carlin under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at the appraised fair market value of $3,100.00:

Mount Diablo Meridian, Nevada

T. 33 N., R. 52 E.,
Sec. 16, W½SE¼.

Containing approximately 80 acres.

This land is occupied in part by a landfill that was leased to the City of Carlin under the Recreation and Public Purposes Act. It is being offered by direct sale to the City of Carlin in support of BLM policy to divest itself of all management responsibilities of landfills that are located on public land. The proposal is in conformance with the Elko Resource Management Plan and would not conflict with any known state or local planning, ordinance or zoning.

An opening order for the subject land was published in the **Federal Register** on

July 14, 1988, opening the land to disposal under section 203 of the Federal Land Policy and Management Act. The land described remains segregated from appropriation under other public land laws, including the mining laws. The land will not be offered for sale until at least 60 days after publication of this notice in the **Federal Register.**

The land is not within any grazing allotment and contains no known mineral values except for oil and gas. Therefore, mineral interests, excluding oil and gas will be conveyed simultaneously with the sale of the land. Acceptance of the direct sale offer will constitute an application to purchase the mineral estate having no known mineral value. A nonrefundable fee of $50.00 will be required with the purchase money. Failure to submit the purchase money and the nonrefundable filing fee for the mineral estate within the timeframe specified by the authorized officer will result in cancellation of the sale.

The patent, when issued, will contain the following:

1. A reservation for ditches and canals by authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. A reservation for oil and gas to the United States.

Further information regarding this sale is available for review at the Elko District Office, Bureau of Land Management, 3900 East Idaho, Elko, Nevada 89801. For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the District Manager, Elko District at the above address. All objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Date: December 2, 1988.

Rodney Harris,

District Manager.

[FR Doc. 88-28499 Filed 12-9-88; 8:45 am]

BILLING CODE 4310-HC-M

[NV-010-09-4212-13-7122-09-1101; N-41646]

Realty Action; Exchange of Public Land in Elko County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public lands administered by the Bureau of Land Management have been proposed for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 3 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 39 N., R. 65 E.,
Sec. 24, All;
Sec. 26, All;
Sec. 34, All.
T. 40 N., R. 65 E.,
Sec. 12, All;
Sec. 24, All;
Sec. 36, All.
T. 39 N., R. 66 E.,
Sec. 6, All;
Sec. 8, All;
Sec. 18, All;
Sec. 20, All;
Sec. 30, All;
Sec. 32, All.
T. 40 N., R. 66 E.,
Sec. 4, All;
Sec. 6, All;
Sec. 8, All;
Sec. 10, Lots 4, 5, 10, 11;
Sec. 16, All;
Sec. 18, All;
Sec. 20, All;
Sec. 22, W½NE¼, SE¼NE¼, W½, SE¼;
Sec. 28, All;
Sec. 30, All;
Sec. 32, All.

The areas described above aggregate 13,007.62 acres.

In exchange for these lands the United States would acquire the following described private lands from Lands of Sierra, Inc.:

Mount Diablo Meridian, Nevada

T. 41 N., R. 61 E.,
Sec. 1, Lots 1, 2, S½NE¼, SE¼;
Sec. 12, N½NE¼.
T. 40 N., R. 62 E.,
Sec. 1, S½N½, S½;
Sec. 2, W½SW¼, SE¼;
Sec. 3, All;
Sec. 4, Lots 1–8, inclusive, S½N½, N½SW¼, SE¼SW¼, SE¼.
T. 41 N., R. 62 E.,
Sec. 4, S½S½;
Sec. 5, NW¼SW¼, S½S½;
Sec. 6, All;
Sec. 7, All;
Sec. 8, NW¼NW¼, S½NW¼, S½;
Sec. 9, SW¼SW¼;
Sec. 16, W½E½, W½, SE¼SE¼;
Sec. 17, All;
Sec. 18, E½, E½NW¼, NE¼SW¼;
Sec. 20, E½, E½W½, NW¼NW¼;
Sec. 21, All;
Sec. 22, NE¼NE¼, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 25, All;
Sec. 28, All;
Sec. 29, All;
Sec. 32, E½E½, NW¼NE¼;
Sec. 33, All.

The areas described above aggregate 10,579.38 acres.

The purpose of the exchange is to acquire non-federal lands in the Snake Mountain Range with demonstrated wildlife, riparian and recreational opportunities. The lands to be disposed of will be used in conjunction with private lands already owned by Lands of Sierra to construct eight, 250-megawatt, coal fired, steam-electric generating units, which after licensing and approvals, would be built one or two units at a time over a period of approximately 20 years. An Environmental Impact Statement (EIS) is being prepared to assess the regional effects resulting from the power plant and the exchange of public lands. A Notice of Intent to prepare an EIS and to conduct scoping for the proposed project was published in the **Federal Register** on June 16, 1988. Comments were accepted until July 27, 1988, with a public scoping meeting held in Wells, Nevada, on July 6, 1988.

Lands of Sierra does not own the mineral estate for the private offered lands, therefore no mineral estates would be exchanged. The exchange would not be consummated until completing of the EIS and a subsequent Notice of Realty Action is published in the **Federal Register.**

The above described lands will be subject to an appraisal to determine the fair market value of the lands to be exchanged. Some adjustments of acreage may be required to equalize values following the completion of the appraisal.

Publication of this notice in the **Federal Register** will segregate the subject lands from all appropriations under the public land laws, the mining laws, but not the mineral leasing laws. The segregation will terminate two years from the date of this notice or upon publication of a Termination of Segregation.

For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the District Manager, Elko District Office, Bureau of Land Management, 3900 E. Idaho Street, Elko, Nevada 89801.

Date: November 29, 1988.

Rodney Harris,

District Manager.

[FR Doc. 88-28500 Filed 12-9-88; 8:45 am]

BILLING CODE 4310-HC-M

National Park Service

Concession Contract Negotiations; R and R Enterprises

AGENCY: National Park Service, Interior.

ACTION: Public notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to negotiate a concession contract with R and R Enterprises authorizing it to continue to provide lodging accommodations, groceries, gifts, restaurant and food service, trailer sites, and marina facilities and services for the public at Ross Lake National Recreation Area, in the state of Washington, for a period of ten (10) years from January 1, 1989, through December 31, 1998.

EFFECTIVE DATE: March 13, 1989.

ADDRESS: Interested parties should contact the Regional Director, Pacific Northwest Region, 83 South King Street, Suite 212, Seattle, Washington 98104, for information as to the requirements of the proposed contract.

SUPPLEMENTARY INFORMATION: This contract has been determined to be categorically excluded from the procedural provisions of the National Environmental Policy Act and no environmental document will be prepared.

This proposed contract does not require a construction and improvement program.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1988, and therefore pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract as defined in 36 CFR 51.5.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before the ninetieth (90th) day following publication of this notice to be considered and evaluated.

Dated: November 18, 1988.

Rory D. Westberg,

Acting Regional Director, Pacific Northwest Region.

[FR Doc. 88-28512 Filed 12-9-88; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The Agency for International Development (A.I.D.) submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry no later than ten days after publication. Comments may also be addressed to, and copies of the submissions obtained from the Reports Management Officer, John H. Elgin, (703) 875-1608, IRM/PE, Room 1100B, SA-14, Washington, DC 20523.

Date Submitted: December 1, 1988.

Submitting Agency: Agency for International Development.

OMB Number: None.

Type of Submission: New Collection.

Title: IAP-66A Usage Report.

Purpose: The IAP-66A Usage Report form is to establish a procedure to ensure accountability in the use of the IAP-66A forms. The IAP-66A forms are applications submitted to the Immigration and Naturalization Service for entry visas or extension of visas of A.I.D. participants who are being trained in the U.S. Collection of this information from AID field missions and participating contractors is used to improve accuracy in the accountability of IAP-66A forms being issued, voided, or lost. Respondents will have a submission burden of one submission per year which is estimated to average 65 minutes per response.

Reviewer: Francine Picoult (202) 395-7340, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, DC 20503.

Dated: November 30, 1988.

Wayne H. Van Vechten,

Information Resources, Management, Planning and Evaluation Division.

[FR Doc. 88-28494 Filed 12-9-88; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31320]

Indiana and Ohio Railway Co.; Construction and Operation; in Hamilton, Warren and Butler Counties, OH

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intent to prepare an environmental impact statement and to hold a public scoping meeting.

SUMMARY: The Indiana and Ohio Railway Company will formally seek authorization, in the coming months, to construct and operate approximately 2.9 miles of railroad line. Due to the potential for significant environmental impacts, preparation of an environmental impact statement may be necessary. An informal public scoping meeting is planned on January 20 and 21, 1989. Therefore, a preliminary scope of study is proposed within this document.

DATES: The scoping meeting will take place in the general area of the proposed railroad construction. The times and location of the meeting will be decided in the near future. Requests to participate and written comments are due by January 13, 1989.

ADDRESS: Any interested persons wishing to file written comments should send them to: John O'Connell, Section of Energy and Environment, Interstate Commerce Commission, Washington, DC 20423, Tel. (202) 275-6842.

SUPPLEMENTARY INFORMATION: On September 30, 1988, the Indiana and Ohio Railway Company (I&O) notified the Commission that it intends to file an application seeking authorization to construct approximately 2.9 miles of railroad line located between Monroe and Mason, in Hamilton, Warren and Butler Counties, Ohio.[1] The purpose of the construction is to connect two other Indiana and Ohio line segments that currently terminate at Monroe and Mason. The connector line would provide the railroad with a less circuitous routing for some of I&O's traffic as well as providing its northern route, the Mason to Middletown Branch, with more convenient connections with other railroads at the McCullough Yard.[2]

[1] The application will be filed under the Commission's regulations pursuant to 49 U.S.C. 10901.

[2] Railroads which connect to the McCullough Yard are CSX, NW, and Conrail.

The scope of study for the development of the environmental analysis will include the identification of impact-producing actions that could occur as a result of construction activity and rail service operations. Preliminary analysis by the Commission's Section of Energy and Environment (SEE) indicates that the rail line could adversely affect safety and noise quality in the communities surrounding the rail corridor. A discussion of these issues and others that may be of community concern will be addressed at the scoping meeting.

Construction activity can pose a threat to local communities when general construction activities such as cut and fill operations take place and in the building of rail track structures. During the scoping meeting, identificaton of all relevant Federal, State and local construction regulations and constaints will be discussed in relation to railroad construction.

On the operational aspects of safety concerns, we will address four major components: Grade crossing and pedestrian conflicts as well as possible train derailments and hazardous materials spills which may occur.

During the course of the environmental analysis any or all of these components of safety during construction and operation may eventually be found to present an adverse effect. If adverse effects are discovered, mitigation measures will be recommended in the draft EIS in order to partially or fully eliminate these adverse effects.

The scoping process will assist us in identifying the type and proximity of sensitive receptors, such as homes, school, hospitals, among others.

It has been the Commission's experience that a threshold of eight or more trains per day are required to exceed a noise level of 65 DBL,[3] a level which is normally unacceptable for housing environments. Available information indicates that rail service along the subject line will be comprised of only two trains daily. However, the environmental review process will consider the possibility that long-term traffic levels may exceed the eight trains a day threshold.

The scoping meeting will address the question of alternatives to the proposed rail line. Alternative rail alignments which will connect the existing end points at Monroe and Mason but deviate from the proposed right-of-way will be evaluated from an environmental standpoint. Additionally, other forms of railroad actions such as trackage rights, haulage rights and joint rates/competitive access agreements must be considered as courses of action which achieve, although indirectly, the overall objectives of the railroad, while protecting the local environment.

Although no preferred rail corridor exists, possible types of mitigating measures if needed will be discussed and evaluated. These measures may include: fencing, sound barriers, ditches, berms, and crossing signals which could be installed during the construction phase of the project. From an operational standpoint mitigation could result in limits on train speed and/or the times of day the trains may operate.

The SEE invites comments from interested individuals, organizations, and agencies to aid us in identifying additional items that should be addressed as part of the individual areas of investigation identified above or in additional areas that may be of environmental concern.

Any individual, organization, or agency who wishes to make a presentation at the informal public scoping meeting must call John O'Connell (202) 275–6842) by January 13, 1989 for scheduling purposes. It would be helpful if common concerns or interests were expressed by a single spokesperson. Written comments are also welcome and should be submitted on or before January 13, 1989. A final scope of study will be published in the **Federal Register** and served on all parties to the proceeding.

Anyone wishing to receive copies of the final scope, the draft environmental report and all other documentation served by the ICC on this proceeding (including decisions) should call the Office of the Secretary at (202) 275–7999 and request placement on the service list as an "advise of proceedings" party for docket number FD No. 31320. Those individuals who intend to participate more actively and wish, additionally, to receive all documentation as submitted by all parties to the proceeding must submit a written request to the same office for listing as a "party of record."

Date: December 6, 1988.

Decided by: John F. Hennigan, Jr., Director, Office of Transportation Analysis.

Noreta McGee,

Secretary.

[FR Doc. 88–28469 Filed 12–9–88; 8:45 am]

BILLING CODE 7035–01–M

[3] DBL is a noise description that is used to derive sound levels in decibels.

[Docket No. AB–290 (Sub–No. 54X)]

Central of Georgia Railroad Co.; Abandonment Exemption; in Meriwether County, GA

Applicant has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon its 1-mile line of railroad between milepost R–54.0 near Allie and milepost R–55.0 at Allie, in Meriwether County, GA.

Applicant has certified that: (1) No local or overhead traffic has moved over the line for at least 2 years; and (2) no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on January 11, 1989, (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues [1] and formal expressions of intent of file an offer of financial assistance under 49 CFR 1152.27(c)(2) [2] must be filed by December 23, 1988. Petitions for reconsideration, including environmental, energy, and public use concerns, must be filed by January 3, 1989 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Roger A.

[1] A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Section of Energy and Environmental in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Line,* 4 I.C.C.2d 400 (1988).

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987), and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440–48446).

Peterson, Solicitor, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510–2191.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, resulting from this abandonment.

The Section of Energy and Environment (SEE) will prepare an environmental assessment (EA). SEE will issue the EA by December 17, 1988. Interested persons may obtain a copy of the EA from SEE by writing to it (Room 3115, Interstate Commerce Commission, Washington, DC 20423) or by calling Carl Bausch, Chief, SEE at (202) 275–7316.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: December 6, 1988.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 88–28470 Filed 12–9–88; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AG–39 (Sub-No. 12)]

St. Louis Southwestern Railway Co.; Abandonment; In Smith and Cherokee Counties, TX; Findings

The Commission has found that the public convenience and necessity permit St. Louis Southwestern Railway Company (Cotton Belt) to abandon service over a 23.56-mile portion of the Lufkin Branch, between milepost 553.0, at or near Gresham, and milepost 576.56, at or near Jacksonville, in Smith and Cherokee Counties, TX.

A certificate will be issued authorizing abandonment unless within 15 days after this publication the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served on the applicant no later than 10 days from publication of this Notice. The following notation must be typed in bold face on the lower left-hand corner of the envelop: "Rail Section, AB–OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: December 5, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Simmons, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 88–28468 Filed 12–9–88; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Competitive Impact Statement and Proposed Consent Judgement; United States v. TRW, Inc.; Correction

In notice document 88–27811 appearing on page 48735 in the issue of Friday, December 2, 1988, make the following additions:

1. Attached Stipulation;
2. Attached Final Judgment; and
3. Attached Competitive Impact Statement.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO, EASTERN DIVISION

Stipulation

United States of America, Plaintiff, *v.* TRW Inc., Defendant., Civil No. C–88–4253, Judge John M. Manos.

Filed November 17, 1988.

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

(1) The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendant and by filing that notice with the Court.

(2) The parties shall abide by and comply with the provisions of the Final Judgment pending entry of the Final Judgment.

(3) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation will be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: ———

For the plaintiff:

Charles F. Rule,

Assistant Attorney General.

John W. Clark,

Barry Grossman,

Attorneys, U.S. Department of Justice, Antitrust Division.

Partick M. McLaughlin,

United States Attorney, Northern District of Ohio.

George S. Baranko,

Richard L. Irvine,

Jonathan M. Rich,

Katherine M. Jones,

Attorneys, U.S. Department of Justice, Antitrust Division, Judiciary Center Building, 555 4th Street, NW., Washington, DC 20001, (202) 272–4265.

For the Defendant TRW Inc.:

Jones, Day, Reavis & Pogue

By: William S. Swope

A Member of the Firm, 1450 G Street, NW., Washington, DC 20005, 202–879–3836.

Final Judgment

Whereas, plaintiff, United States of America, having filed its Complaint herein on November 15, 1988 and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

And whereas, the defendant has agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, prompt and certain remedial action, to ensure that the defendant's acquisition of Chilton does not reduce the number of firms competing in the sale of consumer credit reports in overlap areas, or otherwise lessen competition in those markets, is the essence of this agreement; *And Whereas*, the defendant has represented to the plaintiff that the remedial action required below can be made and that defendant will later raise no claims of financial hardship or any other difficulty as grounds for asking the Court to modify any of the provisions contained below;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties hereto. The Complaint states a claim upon which relief may be granted against defendant under section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II

As used in this Final Judgment:

A. "TRW" means defendant TRW Inc., each subsidiary or division thereof, and each officer, director, employee, agent, or other person acting for or on behalf of any of them. TRW shall include the Chilton Corporation and any of its assets after such time as TRW acquires a majority of the voting stock of Chilton Corporation.

B. "Chilton" means Chilton Corporation, each subsidiary or division thereof, and each officer, director, employee, agent, or other person acting for or on behalf of any of them.

C. "Consumer credit report" means a compilation of consumer credit information supplied to a credit grantor or other person at their request.

D. "Consumer credit file" means an organized collection of consumer credit information records stored in and retrievable from a computer storage medium.

E. "Consumer credit information" means information relating to the credit worth, financial responsibility or paying habits of any consumer purchase or proposed consumer purchaser of goods or services on credit.

F. "Copy of consumer credit files" means an electronically reproduced complete copy, in machine readable format, of the compilation of credit information, concerning individuals having a current address within a particular overlap area, stored in and retrievable from either TRW Credit Data's or Chilton's electronic data processing system, immediately prior to the date the data transfer process is completed, no matter how or by whom such information was collected.

G. "Data transfer process" means the process of producing and transferring a complete copy of the consumer credit files for an overlap area, or the data to compile such consumer credit files, from the electronic data processing system of either TRW Credit Data or Chilton, as the case may be, to a purchaser. The data transfer process for an overlap area shall be considered completed when the designated copy of consumer credit files has been transferred to the purchaser in a form required by the purchase contract, or, in the event of a dispute between the defendant and purchaser, when plaintiff has been satisfied that the data transfer process has been completed.

H. "Network services" means the computerized storage, updating, and retrieval of consumer credit information and the provision of consumer credit information from such computerized storage base to credit bureaus.

I. "Overlap affiliates" means the entities listed below. Also set out below are the dates on which the current terms of their contracts for network service expire. Their marketing areas are set out in Attachment I.

Affiliate	Termination date
Credit Data of Hawaii, Inc., Honolulu, HI	4/30/89
Credit Data of Central Massachusetts, Inc., Framingham, MA	7/10/89
Credit Data of Rhode Island, Inc., Pawtucket, RI	5/22/89
Credit Bureau of Albuquerque, Inc., Albuquerque, NM	11/1/89
Credit Bureau of Santa Fe, Inc., Santa Fe, NM	11/1/89
Credit Bureau Services of New Hampshire, Inc., Manchester, NH	7/1/90
Rochester Credit Center, Inc., Rochester, NY	6/1/90

J. "Overlap area" means each of the geographic areas defined by U.S. Postal Service zip codes set forth in Attachments II and III.

K. "Person" means any natural person, corporation, association, firm, partnership or other legal entity.

III

A. The provisions of this Final Judgment shall apply to the defendant, to each of its successors and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. Nothing herein contained shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party and nothing herein shall be construed to provide any rights to any third party.

IV

A. Unless such notice has already been provided, TRW is ordered and directed to provide written notice to overlap affiliates of its intent to terminate contracts relating to the sale of network services for the marketing areas set forth in Attachment I at the conclusion of such contracts' current term.

B. TRW is enjoined and restrained from renewing or extending any existing contract with an overlap affiliate relating to the sale of network services for any marketing area set forth in Attachment I, without the consent of plaintiff.

C. TRW is enjoined and restrained from entering into any new contract to provide network services to any overlap affiliate for any marketing area set forth in Attachment I for a period of five (5) years from the date of entry of this Final Judgment.

D. After the provision of notice required in Section IV. A., TRW is further enjoined and restrained from refusing to allow or acting materially to inhibit overlap affiliates from terminating their contractual obligations to TRW, or from entering into a new contract with any other person, with respect to the purchase of network services for any marketing area set forth in Attachment I. TRW may, however, assert contractual rights to preserve current relationships with Credit Data of Hawaii, Inc., Credit Data of Central Massachusetts, Inc., and Credit Data of Rhode Island, Inc. for a period of six (6) months from the date this Final Judgment is entered.

E. TRW is enjoined and restrained for a period of five (5) years from the date of entry of this Final Judgment from directly or indirectly acquiring any overlap affiliate without the consent of plaintiff.

V

A. (1) TRW, having entered into agreements to sell a copy of the consumer credit files maintained on TRW Credit Data's electronic data processing system for each of the geographic areas identified in Attachment II of this Final Judgment, is hereby ordered and directed to take all reasonable steps to consummate such agreements and to provide the purchasers such information, services, or assistance as are reasonably required to complete the data transfer process.

(2) TRW, having entered into an agreement to sell a copy of the consumer credit files maintained on Chilton's electronic data processing system for each of the geographic areas identified in Attachment III of this Final Judgment, is hereby ordered and directed to take all reasonable steps to consummate such agreement and to provide the purchaser such information, services, or assistance as are reasonably required to complete the data transfer process.

B. TRW shall take all reasonable steps to complete the data transfer process in accordance with the agreement it has with each purchaser no later than one hundred twenty (120)

days after the entry of this Final Judgment.

C. With the consent of plaintiff, the period in which the data transfer process is to be completed may be extended for up to sixty (60) days.

D. Copies of consumer credit files will be provided to the purchaser in a format that is agreeable to TRW and the purchaser.

E. Upon the request of a purchaser, TRW shall use all reasonable efforts to provide in an expedient manner such information as the purchaser may reasonably request, at any time up to sixty (60) days following the completion of the data transfer process, in connection with a purchase and transfer of a copy of consumer credit files in an overlap area, subject to reimbursement by the purchaser of TRW's reasonable expenses incurred in connection therewith.

F. TRW shall provide plaintiff notice when the data transfer process has been completed with respect to each overlap area.

G. If TRW is unable to complete a data transfer process for an overlap area to a person with whom it currently has a contract for sale of a copy of consumer credit files, TRW shall transfer a copy of the consumer credit files for that overlap area to a person as to whom plaintiff is satsified that: (i) The transfer is for the purpose of enabling the transferee to complete in the sale of consumer credit reports in the overlap area, (ii) the transferee currently has the managerial, operational, technical, and financial capability to compete in the sale of consumer credit reports, and (iii) the transfer will not adversely affect competition in any overlap area. TRW shall not finance all or any part of the purchase of a copy of the consumer credit files without the consent of plaintiff.

VI

Thirty (30) days from the date of entry of this Final Judgment and every thirty (30) days thereafter until the data transfers required by section V have been completed, TRW shall submit to the plaintiff a written report setting forth in detail the fact and manner of compliance with section V of this Final Judgment. TRW shall maintain full records of all efforts made to transfer copies of the consumer credit files in the overlap areas pursuant to section V.A. and to sell and transfer copies of the consumer credit files in the overlap areas pursuant to section V.G.

VII

A. For each overlap area, TRW shall maintain a complete copy of the consumer credit files to be sold and shall follow its usual business practices to ensure that the consumer credit information in the copy of the consumer credit files to be sold is current and up-to-date at the time of the data transfer process.

B. TRW shall not take any action that would materially jeopardize the sale or transfer of a copy any consumer credit file to be sold pursuant to the terms of this Final Judgment.

C. TRW shall not take any action that would materially jeopardize the operation of any overlap affiliate.

VIII

If the data transfer process for any overlap area has not been completed within one hundred twenty (120) days of entry of this Final Judgment (or such longer period if the period for completion of the data transfer process has been extended by Plaintiff pursuant to section V.C.), TRW shall file with the Court, within seven days of the date the data transfer process was to have been completed, a report setting forth its efforts to complete the data transfer process and explaining why the data transfer process has not been completed. TRW and Plaintiff may recommend to the Court any further orders to be entered. The Court shall enter such orders as it shall deem appropriate to accomplish the purpose of this Final Judgment, including appointment of an agent to sell copies of the consumer credit files in any overlap area for which the data transfer process has not been completed.

IX

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal offices, be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview officers, directors, employees, agents, or other persons acting for or on behalf of defendant, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, made to defendant's principal office, defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section IX, shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendeant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of privilege under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceedings (other than grand jury proceedings) to which defendant is not a party.

X

Jurisdiction is retained by this Court for the purpose of enabling plaintiff and the defendant to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction, implementation, or modification of any of the provisions of this Final Judgement, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XI

This Final Judgment will expire on the fifth anniversary of its entry by the Court.

XII

Entry of this Final Judgment is in the public interest.

United States District Judge

Dated: ——

Attachment I—Affiliate Marketing Areas

Credit Data of Hawaii, Inc., Honolulu, Hawaii
All zip codes within the state of Hawaii.

Credit Data of Central Massachusetts, Inc., Framingham, Mass.
Zip codes 01005–01006, 01031, 01037, 01068, 01074, 01083, 01094, 01331, 01366, 01368, 01374, 01420, 01430–01433, 01436–01438, 01440, 01450–01453, 01460, 01462–01469, 01472–01473, 01475, 01477, 01501, 01503–01510, 01515–01520, 01522–01527, 01529–01532, 01534–01543, 01545, 01549–01550, 01560–01562, 01564–01566, 01568–01570, 01581, 01583, 01585–01588, 01590, 01601–01613, 01701, 01719–01721, 01730–01731, 01740–01742, 01745–01749, 01752, 01754, 01756–01757, 01760, 01770, 01772–01773, 01775–01776, 01778, 01780, 01784, 01803, 01821, 01824, 01826–01827, 01850–01854, 01863, 01876, 01879, 01886–01887, 02019, 02030, 02038, 02052–02054, 02056, 02154, 02158–02167, 02173, 02181, and 02192–02194 within the state of Massachusetts.

Credit Data of Rhode Island, Inc., Pawtucket, Rhode Island
All zip codes within the state of Rhode Island.

Credit Bureau of Albuquerque, Inc., Albuquerque, New Mexico
Zip codes 87034, 87100–87125, 87154, 87174, 87176, 87184, 87185, 87190–92, 87194–98, 87001, 88312–88313, 88020, 87820, 88022, 88210, 87410, 87002, 88111, 87004, 87815, 87412–13, 87005, 87006, 87068, 87310, 88112, 88025, 88103, 88316, 88213, 88220–21, 88301, 87007, 88113, 87008, 87009, 87311, 87011, 88028, 87070, 88101, 88029, 87312, 88318, 87048, 87018, 88114, 87014, 87932, 87821, 88230, 88115, 88319, 87934, 88320, 87015, 88116, 88321, 87016, 88231, 87401, 87499, 87315, 88118, 88322, 88323, 88119, 87316, 87416, 87301, 87317, 88038, 88324, 88423, 88039, 88120, 87020, 88232, 88240–41, 88335, 88336, 88250, 88121, 88251, 87022, 88252, 87023, 88122, 87417, 87418, 87026, 87028, 88253, 88254, 87823, 88338, 88123, 88255, 88426, 87031, 88256, 88260, 87824, 87825, 88263, 88264, 88427, 88262, 88124, 87319, 87320, 87021, 88125, 88050, 87939, 88265, 87035, 87036, 88051, 87037, 87328, 87419, 87038, 88341, 88266, 87040, 88126, 87042, 88343, 87827, 87043, 88009, 87828, 88130, 87045, 88433, 87829, 87321, 88055, 87046, 87322, 87830, 88132, 88201–02, 88345, 88346, 88133, 87831, 87832, 87049, 88434, 87050, 88348, 87051, 87053, 87047, 87052, 87055, 87420, 87801, 87056, 88134, 87057, 88267, 88135, 87323, 88350, 87059, 88351, 87324, 87325, 87060, 88401, 88064, 87326, 88353, 87062, 87421, 88268, 87063, 87943, 88136, and 87327 within the state of New Mexico.

Credit Bureau of Santa Fe, Inc., Santa Fe, New Mexico
Zip codes 87539 through 87753, inclusive, and 88410 through 88441, inclusive, except zip codes 88423, 88426, 88427, 88433, and 88434, in the state of New Mexico.

Credit Bureau Services of New Hampshire, Inc., Manchester, N.H.
All zip codes within the state of New Hampshire.

Rochester Credit Center, Inc., Rochester, New York
Zip codes 13065, 13143, 13146, 13148, 13154, 13165, and 14001 through 14787, inclusive, except zip codes 14029, 14529, 14572, 14707–14709, 14711, 14713–14715, 14717, 14721, 14727, 14735, 14739, 14744, 14745, 14754, 14765, 14774, 14776, 14777, and 14786. In addition, zip codes 14837, 14842, 14846, 14847, 14860 and 14863 in the state of New York.

Attachment II—Overlap Areas

1. Zip codes 80000 through 81699, inclusive, in the state of Colorado.

2. All zip codes within the state of Connecticut.

3. Zip codes 77000–78612, 78614, 78616, 78618, 78622–78626, 78629–78633, 78635–78639, 78643–78663, 78665, 78667–78675, 78677–78679, and 78682–78699 in the state of Texas.

4. Zip codes 75000–76500, 76529, 76531–76532, 76555–76556, 76575, 76581–76620, 76629, 76688, 76700, 76800–76843, 76845–76852, 76854–76876, 76878–76950, 76952–76999, 79200–79299, 79500–79510, and 79512–79699 in the state of Texas.

ATTACHMENT III—Overlap Areas

1. All zip codes within the state of Arizona.

2. Zip codes 01700 through 02799, inclusive, except zip codes 01718, 01719, 01720, 01740, 01745, 01747, 01749, 01752, 01754, 01756, 01757, 01772, and 01775 in the state of Massachusetts.

3. Zip codes 01000 through 01399, inclusive, except zip codes 01005, 01006, 01010, 01031, 01037, 01057, 01068, 01069, 01074, 01081, 01082, 01083, 01092, 01094, 01331, 01364, 01366, 01368, 01372, 01374, 01379, and 01380, in the state of Massachusetts.

4. Zip codes 48000 through 48399, inclusive, except zip codes 48003, 48029, 48116, 48137, 48139, 48143 and 48169 in the state of Michigan. In addition, zip codes 48442, 48462, 48667, and 49000 through 49299, inclusive, except 49021, 49060, 49076, 49096, 49251, 49264, 49285, 49010, 49035, 49046, 49050, 49058, 49070, 49078, and 49080 in the state of Michigan.

5. Zip codes 12010, 12025, 12032, 12078, 12095, 12108, 12117, 12134, 12139, 12164, 12190, 12589, 12812, 12842, 12847, 12864, 12922, 12926, 12927, 12938, 12940, 12949, 12965, 12967, 12973 and 12986. In addition, zip codes 13020 through 13999, inclusive, except 13053, 13062, 13068, 13073, 13732, 13734, 13736, 13743, 13811, 13812, 13827, 13835, 13840, 13845, 13864, 13065, 13143, 13146, 13148, 13154, and 13165, in the state of New York.

Competitive Impact Statement

The United States, pursuant to section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. 16(b) through (h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding.—On November 15, 1988, the United States filed a civil antitrust complaint under section 15 of the Clayton Act, 15 U.S.C. 25, alleging that the proposed acquisition of Chilton Corporation ("Chilton") by TRW Inc. ("TRW") would violate section 7 of the Clayton Act, 15 U.S.C. 18. The complaint names TRW as defendant.

The complaint alleges that the effect of the acquisition may be substantially to lessen competition in sales of consumer credit reports in sixteen (16) geographic markets. Both companies sell credit reports, either directly through credit bureau offices that they own (called "owned offices" herein) or indirectly through affiliated credit bureaus, in each of these markets. The complaint seeks, among other relief, to enjoin the transaction and thereby to prevent its anticompetitive effects and to maintain existing competitive conditions in the relevant markets.

On November 15, 1988, the United States and TRW filed a Stipulation by which they consented to the entry of a proposed Final Judgment designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, as explained more fully below, TRW would be required to consummate contracts to sell copies of the consumer credit files in some markets and end affiliation agreements with independent credit bureaus in others. The United States and TRW

have stipulated that the proposed Final Judgment may be entered after compliance with the APPA, unless the government withdraws its consent. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, and enforce the proposed Final Judgment and to punish violations of the Judgment.

II

Events Giving Rise to the Alleged Violation. On March 20, 1988, TRW and Borg-Warner Corporation ("Borg-Warner") entered into a Stock Purchase agreement by which TRW would purchase all of the issued and outstanding stock of Chilton from Borg-Warner. TRW and its affiliates sell consumer credit reports to banks, finance companies, credit card companies, and other credit grantors under the trade name Credit Data. In many areas of the country, TRW competes with Chilton or its affiliates, which sell consumer credit reports under the trade name Credimatic.

Consumer credit reports are compilations of information on individual consumers that assist credit grantors in deciding whether or not to grant credit to particular consumers. Consumer credit reports normally include a consumer's age, marital status, number of dependents, social security number, current and most recent addresses, current and recent employers, and salary. Consumer credit reports also contain information obtained from the accounts receivable files of national, regional, and local credit grantors, including information on the current status of the account, the amount owed, any amount overdue and how long overdue, and any amount written off as uncollectable. In addition, consumer credit reports contain information compiled from public records, such as judgments, liens and bankruptcies. Consumer credit reports also disclose inquiry information that indicates each instance in which a credit grantor has purchased a credit report about an individual and reveals the extent to which the person has recently received or been denied credit.

The information in a credit report covers an extended period of time. The Fair Credit Reporting Act, 15 U.S.C. 1681 *et. seq.*, provides that a credit bureau may retain and report adverse credit information on an individual for up to seven years, except bankruptcy information which may be retained and reported for ten years. 15 U.S.C. 1681c. A company selling credit reports in a given area must possess information on the overwhelming majority of individuals residing in that area, for substantially that period of time, in order to be viewed by credit grantors as an adequate source of credit reports. A credit report that contains all the information desired by credit grantors and that covers a sufficient period of time is called a "full file."

Buyers purchase consumer credit reports primarily on the basis of the quality and quantity of information in the reports. A consumer credit report that does not contain all types of credit information or that does not contain information that covers a sufficient period of time is not a substitute for a full file consumer credit report.

The Complaint alleges that the provision of full file consumer credit reports is a relevant product market for antitrust purposes. There is no reasonable substitute to which a substantial number of customers would turn in response to a small, but significant and nontransitory, price increase for such reports.

Competition in the sale of credit reports occurs in local geographic markets, usually individual metropolitan areas. Credit grantors require credit information on a specific individual. For most areas there are only a small group of firms that compile information for and sell consumer credit reports on individuals that reside in that area.

Credit information is stored, updated and retrieved by computers. Only four companies, including TRW and Chilton, maintian data bases in which consumer credit information is stored. These companies sell credit reports primarily through their owned offices, but also through affiliated credit bureaus. Affiliated credit bureaus are independently owned and operated companies, or associations, that collect consumer credit information and store it in the centralized data bases of one of the four companies.

The owned offices and affiliated bureaus of each of the four companies make up a network for the provision of credit reporting services to credit grantors. Currently, each of the networks has particular regional strengths. Most of Chilton's offices and affiliated bureaus, for example, are in the southwest, midwest, and northeast. TRW is strongest on the east and west coasts. Although national coverage is an advantage for a network, TRW in many areas has not established an office. Rather, it has "Autofiles" which consist primarily of accounts receivable data gathered from national credit grantors, but does not include the accounts receivable data of local credit grantors. In other areas, it has opened local offices and collected some local accounts receivable and public record information, but for less than the three to five years necessary to establish a competitive file. Given the different reigonal strengths of TRW and Chilton, the acquisition will expedite TRW's entry into many markets and increase the geographic area in which it offers full files.

However, in a number of local markets, TRW and Chilton are direct competitors in the sale of credit reports. The Complaint identifies sixteen areas in which the transaction is likely to reduce competition substantially: The state of Arizona; Denver, Colorado; the state of Connecticut; the state of Hawaii; Boston, Massachusetts; Worcester, Massachusetts; Springfield, Massachusetts; Detroit, Michigan; the state of New Hampshire; the state of New Mexico; Syracuse, New York; Rochester, New York; Buffalo, New York; the state of Rhode Island; Dallas and Fort Worth, Texas; and Houston, Texas. Both companies have full files in these areas and significant market share. In no case is there more than two other competitors in the sale of consumer credit reports. The Complaint alleges that each of these markets is highly concentrated, that each would become substantially more concentrated as a result of TRW's proposed acquisition of Chilton, and that the transaction would cause the Herfindahl-Hirshman Index,[1] a measure of market concentration, to increase by at least 700 points to at least 3900.

Entry into the business of providing consumer credit reports is difficult, time consuming and expensive. Generally it takes three to five years to collect sufficient information to provide full file credit reports in a given market. Consequently, new entry by another party could not be accomplished rapidly enough in any relevant geographic area to prevent the anticompetitive results of this transaction.

[1] The Herfindahl-Hirshman Index ("HHI") is a measure of market concentration calculated by squaring the market share of each firm competing in the market and them summing the resulting numbers. For example, for a market consisting of four firms with shares of 30%, 30%, 20%, and 20%, the HHI is 2,600 ($30^2+30^2+20^2+20^2=900+900+400+400=2,600$). The HHI, which takes into account the relative size and distribution of the firms in a market, ranges from virtually zero to 10,000. The index approaches zero when a market is occupied by a large number of firms of relatively equal size and reaches 10,000 when a market is controlled by a single firm. The HHI increases both as the number of firms in the market decreases and as the disparity in size between the leading firms and the remaining firms increases.

III

Explanation of the Proposed Final Judgment. The United States brought this action because the effect of the acquisition may be substantially to lessen competition in the market for consumer credit reports in the relevant geographic markets in violation of section 7 of the Clayton Act. The risk to competition posed by this acquisition substantially would be eliminated by the relief provided in the proposed Final Judgment which will ensure that all of the relevant geographic markets will have as many competitors after the acquisition as they do currently.

Specifically, the proposed Final Judgment requires that TRW not renew agreements with affiliates located in Honolulu, Hawaii; Framingham, Massachusetts; Manchester, New Hampshire; Albuquerque and Santa Fe, New Mexico; Rochester, New York; and Pawtucket, Rhode Island. Agreements with these affiliates must be terminated at the end of their current term and TRW cannot enter into new affiliation agreements with those affiliates for at least five years. In addition, the proposed Final Judgment enjoins TRW from taking any action to prevent these affiliates from entering into new affiliation agreements with other vendors before their existing contracts with TRW expire. Termination of affiliation agreements will ensure that the acquisition will have no effect on competition in the relevant geographic markets where the affiliates operate because the affiliates will be free to enter into affiliation agreements with vendors other than TRW or Chilton. The terminated affiliates will have strong financial incentives to enter into new contractal relationships with a credit information data base service not fully represented in the local market. As a result, the number of competitors and their local market positions will remain substantially unchanged.

In order to eliminate the potential anticompetitive effects of the acquisition in the other relevant geographic markets, TRW has entered into agreements to sell a copy of either the file it now owns or a copy of the file it will acquire from Chilton for such markets to one of the other companies providing network services. Copies of these agreements are attached hereto (see Section VII below). The United States has reviewed the agreements and has determined to its satisfaction that the purchasers intend to use the data to compete with TRW in the sale of credit reports in the affected markets. The purchasers currently are not significant competitors in these markets. Thus, consummation of these agreements will preserve the current number of firms with full files in the affected markets. By requiring TRW to sell the credit information to a new competitor, the Final Judgment will preserve competitive options for credit grantors and thus eliminate the adverse effects on competition that would otherwise result from the acquisition.

The proposed Final Judgment affords TRW one hundred twenty (120) days from the date of entry of the Final Judgment to fulfill its contractual obligation to transfer a copy of the consumer credit files. This period may be extended for up to sixty (60) days with the consent of the Department of Justice. TRW shall take all reasonable steps necessary to accomplish the sales quickly and shall cooperate with purchasers of the consumer credit files in completing the data transfer process.

If TRW is unable to consummate a contract to sell copies of consumer credit files, the Final Judgment provides that TRW shall transfer a copy of the consumer credit files for that overlap area to some other person acceptable to the Department of Justice. Copies of the data must be sold to a purchaser or purchasers who can and will use it to compete in the specific relevant geographic market.

If TRW is unable to transfer a copy of the consumer credit files for an overlap area within the time provided for transfers in the proposed Final Judgment, TRW shall file with the Court, within seven days of the date the transfers were to have been completed, a report setting forth its efforts to consummate the contracts and transfer the consumer credit files and stating why the transfer process has not been completed. TRW and the Department of Justice may then recommend what further action should be taken and the Court shall enter such orders as it shall deem appropriate to accomplish the purpose of the Final Judgment.

The United States and TRW have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the APPA. The proposed Final Judgment constitutes no admission by any party as to any issue of fact or law. Under the provisions of section 2(e) of the APPA, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed Final Judgment is in the public interest.

IV

Remedies Available to Potential Private Litigants. Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in Federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust actions. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. section 16(a), the proposed Final Judgment has no *prima facie* effect in any private lawsuit that may be brought against the defendants.

V

Procedures Available for Modification of the Proposed Final Judgment. The APPA provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty days of the date of publication of this Competitive Impact Statement in the Federal Register. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to the comments. The comments and responses of the United States will be filed with the Court and published in the Federal Register.

Written comments should be submitted to Barry Grossman, Chief, Communications and Finance Section, Antitrust Division, U.S. Department of Justice, 555 4th Street, NW., Washington, DC 20001.

The proposed Final Judgment provides that the Court retains jurisdiction over this action and any party may apply to the Court for any order necessary or appropriate for its modification, interpretation or enforcement.

VI

Alternatives to the Proposed Final Judgment. For the markets in which TRW is required to consummate contracts to sell a copy of its or Chilton's consumer credit files, the United States considered requiring TRW to sell either the Chilton or TRW office along with the files. The United States rejected this alternative because it concluded that the most significant impediment to entry is acquisition of the data contained in consumer credit files. The United States concluded that other aspects of entry are not so substantial that a person with a copy of either the Chilton or TRW consumer credit files could not successfully enter a relevant geographic market within a reasonable time.

The United States also considered not allowing TRW to retain a copy of the consumer credit files that it must sell. The United States rejected this alternative because if TRW can retain a copy of both the Chilton and TRW consumer credit files it can provide consumers with a higher quality product.

As another alternative, the United States considered requiring TRW to sell copies of the combined TRW and Chilton consumer credit files that it will be retaining. This alternative was rejected because the United States believes that a copy of either firm's full file will be sufficient to enable the new firm to compete effectively in the relevant markets. The new firm will have all the credit information previously owned by one of the leading competitors in the market. That information will consist of full files, which means that it will cover most of the residents of the area for a substantial period of time.

As a final alternative to the proposed Final Judgment, the United States considered seeking a preliminary injunction to block TRW's acquisition of Chilton. The United States rejected that alternative because the sale of a copy of the consumer credit files or the termination of affiliates will establish viable independent competitors to TRW in all the relevant markets and will prevent the acquisition from having a significant anticompetitive effect in those markets. The United States is satisfied that the proposed Final Judgment provides substantially all the relief it would seek if it were to litigate the case in a full trial on the merits.

VII

Determinative Materials and Documents. The United States considers TRW's contracts with The Credit Bureau Inc. of Georgia and the Trans Union Credit Information Company to sell copies of consumer credit files in certain markets to be determinative documents. These contracts include the terms of the proposed divestiture and were determinative in formulating this proposed Final Judgment. Accordingly, they are being filed with this Competitive Impact Statement. However, insofar as the contracts contain confidential, commercially sensitive information relating to the price to be paid or the content of the files, that information has been redacted. The United States is prepared to file unredacted contracts with the Court, under seal, at its request.

Respectfully submitted.

George S. Baranko,
Richard L. Irvine,
Jonathan M. Rich,
Katherine M. Jones.

[FR Doc. 88-28454 Filed 12-9-88; 8:45 am]
BILLING CODE 4410-01-M

NATIONAL COMMUNICATIONS SYSTEM

Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee; Meeting

A meeting of the Industry Executive Subcommittee of the National Security Telecommunications Advisory Committee will be held Wednesday, February 1, 1989. The meeting will be held at the MITRE Corporation, 7525 Colshire Drive, McLean, VA. Registration will begin at 8:30 a.m. and the meeting will start at 9 a.m. The agenda is as follows:

A. Opening remarks.
B. Administrative remarks.
C. Briefings on industry and Government activities.

Due to the requirement to discuss classified information, in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (202) 692-9274 or write the Manager, National Communications System, Washington, DC 20305-2010.

Edward R. Faison,
Master Sergeant, USAF.
Terrance N. Danner,
Captain, USN Assistant Manager, NCS Joint Secretariat.
Steven E. Eisen,
Major, USA.
Bruce G. Weiner,
Lieutenant Colonel, USAF.

[FR Doc. 88-28552 Filed 12-9-88; 8:45 am]
BILLING CODE 3610-05-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219]

GPU Nuclear Corp., et al.; Consideration of Issuance of Amendment to Provisional Operating License and Proposed No Significant Hazards; Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-16, issued to GPU Nuclear Corporation, et al., (GPUN or the licensee) for operation of the Oyster Creek Nuclear Generating Station, located in Ocean County, New Jersey.

The proposed amendment requests two changes to the Oyster Creek Technical Specifications Table 3.1.1 in accordance with the licensee's application for amendment dated November 30, 1988. The first requested change deletes the requirement in Table 3.1.1.A.6 for a Low-Condenser Vacuum Scram when the Reactor Mode Switch is in the Refuel Position. The second requested change would revise Table 3.1.1.C.1 to add a reference to note "11" in the startup mode for the High Reactor Pressure Isolation Condenser initiation function. Note "11" states: This function not required to be operable with the reactor vessel head removed or unbolted."

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee's first proposed change deletes the requirement for Low Condenser Vacuum Scram when the Reactor Mode Switch is in the Refuel Position. This change would clarify the Technical Specifications to allow Rod Scram time testing to be performed while shutdown. The existing specifications are contradictory and would allow the surveillance to be performed following a refueling outage only after establishing a vacuum in the Main Condenser.

The Low Condenser Vacuum Scram provides overpressure protection for the Main Condenser, assuming that the Main Condenser initially had a vacuum, and was in the process of losing it. A loss of Condenser vacuum causes turbine steam stop valves to close, resulting in a turbine trip transient. The low condenser-vacuum trip anticipates this transient and scrams the reactor.

When the Reactor Mode Switch is in the refuel position, only one rod can be in any position other than fully inserted. With only one rod not fully inserted, the reactor cannot go critical and cannot produce sufficient steam to maintain a condenser vacuum.

As the function of the Low Condenser Vacuum Scram is to anticipate the loss of turbine transient, and neither a vacuum nor an on line turbine can be maintained while in the Refuel position, the Low Condenser Vacuum Scram serves no function in the Refuel position.

Therefore, the requested change has been determined to contain No Significant Hazards in that it does not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

As requested the change is only applicable during those times when the function is not required, no effect on probability or consequences is possible.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

As the requested change is only applicable to those conditions where the function is not required, no new kind of accident is created.

3. Involve a significant reduction in a margin of safety.

As the requested change is only applicable to those conditions when the function is not required, and would allow Rod Scram time testing to be performed while shutdown, the margin of safety is increased.

The licensee's second proposed change adds a reference to note "11" in the startup model for the High Reactor Pressure Isolation Condenser initiation function. Note "11" states:

> This function not required to be operable with the reactor vessel head removed or unbolted.

This change is necessary to install new analog pressure sensors during refueling outage 12R, presently in progress.

When reactor temperature is less than 212 °F and either the vessel head is removed or unbolted, there is no possibility of a major reactor pressure excursion. As a major excursion is not possible, the instrumentation required to initiate the Isolation Condenser in response to an excursion serves no purpose.

Therefore, the requested change has been determined to contain No Significant Hazards in that it does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The requested change is applicable only under those previously evaluated conditions where the function has been determined to be not required. Therefore, it does not increase the probability or consequences of any previously evaluated accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

As the requested change is only applicable to those conditions when the protective function has been determined to be not required, no new or different kind of accident is created.

3. Involve a significant reduction in a margin of safety.

As the applicability of the requested change has been limited to those times when the function is not required, no reduction in a margin of safety is possible.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice.

Written comments may also be delivered to Room P–216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 11, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested,

the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards considerations, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 325–6000 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Ernest L. Blake, Jr. Esquire, Shaw, Pittman, Potts and Trowbridge, 200 N Street NW., Washignton, DC 20037, attorney for the licensee.

Nontimely filing of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i) through (v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated November 30, 1988, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, Ocean County Library, 101 Washington Street, Toms River, New Jersey 08753.

Dated at Rockville, Maryland, this 7th day of December 1988.

For the Nuclear Regulatory Commission.

Alexander W. Dromerick,

Project Manager, Project Directorate I–4, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–28486 Filed 12–9–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–416]

Mississippi Power and Light Co., System Energy Resources, Inc., and South Mississippi Electric Power Association; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 51 to Facility Operating License No. NPF–29, issued to Mississippi Power and Light Company, System Energy Resources, Inc., and South Mississippi Electric Power Association to change the Operating License and the Technical Specifications to incorporate changes resulting from the May 26, 1987 revision to 10 CFR Part 55, "Operators' License," for the Grand Gulf Nuclear Station, Unit 1, located in Claiborne County, Mississippi. The amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings, as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the Federal Register on August 25, 1988 (53 FR 32485). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the Environmental Assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see: (1) The application for amendment dated December 16, 1987, as revised August 3, 1988, (2) Amendment No. —— to License No. NPF–29, and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555 and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154. A copy of items (2) and (3) may be obtained upon request, addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, Maryland this 5th day of December 1988.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Director, Project Directorate II–1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–28487 Filed 12–9–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–354]

Public Service Electric and Gas Co., Atlantic City Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards; Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–57 issued to Public Service Electric and Gas Company and Atlantic City Electric Company (the licensees) for operation of the Hope Creek Generating Station, located in Salem County, New Jersey.

The proposed amendment would revise the spent fuel storage capacity limitation presently stated in the

Technical Specifications, Design Features Section 5.6.3 to read, "The spent fuel storage pool shall be limted to a storage capacity of no more than 1290 fuel assemblies," in accordance with the licensee's application for amendment dated October 26, 1988.

Technical Specification 5.6.3 presently limits spent fuel storage capacity to 1108 fuel assemblies. The licensee stated in this request:

This limit was based on the installed storage capacity at the Hope Creek Generating Station (HCGS) at the time that the Operating License and Technical Specifications were issued and not on the design storage capacity of 4006 assemblies as described in FSAR section 9.1.2.2.2.2. The current restrictive limit on storage capacity effectively prohibits continued operation of HCGS by not providing core offload capability for fuel loaded beyond the second fuel cycle.

The requested change, while not increasing storage capacity to the plant design limit, will permit the installation of an additional storage rack to accommodate the third fuel cycle. Fuel cycle design changes beyond the third cycle, currently under review regarding cycle length and fuel enrichments, may require a reanalysis and redesign of the storage racks. Any future modifications to the Technical Specifications brought about by a new fuel cycle strategy will be submitted, along with attendant fuel cycle design changes, for NRC approval.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has provided guidance concerning the application of the criteria for determining whether a significant hazards consideration exists by providing certain examples of actions involving no significant hazards considerations and examples of actions involving significant hazards considerations (51 FR 7751). One of these examples of actions involving no significant hazards considerations is example (x):

An expansion of the storage capacity of a spent fuel pool when all of the following are satisfied:

(1) The storage expansion method consists of either replacing existing racks with a design which allows closer spacing between stored spent fuel assemblies or placing additional racks of the original design on the pool floor if space permits;

(2) The storage expansion method does not involve rod consolidation or double tiering;

(3) The Keff of the pool is maintained less than or equal to 0.95; and (4) No new technology or unproven technology is utilized in either the construction process or the analytical techniques necessary to justify the expansion.

The licensee stated in its request that the requested increase in allowed spent fuel storage capacity:

a. Consists of placing an additional rack of the original design on the spent fuel pool floor;

b. Does not involve rod consolidation or double tiering;

c. Does not result in the Keff of the pool exceeding 0.95; and

d. Will utilize no new or unproven technology in the construction process or analytical techniques necessary to justify the expansion.

Therefore, the proposed change falls within the scope of the example. Accordingly, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments should be addressed to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By January 11, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The

final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Att: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–5000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Bulter, Director, Project Directorate I–2, Division of Reactor Projects I/II; petitioner's name and telephone number; date petition was mailed; plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Conner and Wetterhahn, 1747 Pennsylvania Avenue NW., Washington, DC 20006, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1) (i) through (v) and 2.714(d).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of sectiosn 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of the NWPA, the Commission, at the request of any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, Subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors" (published at 50 FR 41662, October 15, 1985) 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR Part 2, Subpart G, and § 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions). The presiding officer shall grant a timely request for oral argument. The presiding officer may grant an untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR Part 2, Subpart G apply.

For further details with respect to this action, see the application for amendment dated October 26, 1988, which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555, and at the Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070.

Dated at Rockville, Maryland, this 5th day of December 1988.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 88–28488 Filed 12–9–88; 8:45 am]

BILLING CODE 7590–01–M

[Docket No 50–298]

Nebraska Public Power District, Cooper Nuclear Station, Unit 1; Exemption

I

Nebraska Public Power District (the licensee) is the holder of Facility Operating License No. DPR–46 that authorizes operation of the Cooper Nuclear Station, 1 (the facility) at a steady state reactor power level not in excess of 2381 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Nemaha County, Nebraska. The license provides, among other things, that the facility is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II

Section 50.54(w)(1) of 10 CFR Part 50 requires that licensees of nuclear power reactors maintain a minimum property insurance coverage for operating nuclear power plants in the sum of $1.06 billion.

By letter dated October 2, 1987, the licensee, by its attorney, requested a schedular exemption from the full requirements of 10 CFR 50.54(w)(1) until a satisfactory final order from a state or Federal court has been obtained and the licensee is able to obtain the necessary insurance policies from Nuclear Electric Insurance Limited (NEIL). Currently, the licensee maintains $750 million of property insurance obtained through

American Nuclear Insurers (ANI) and the Mutual Atomic Energy Reinsurance Pool (MAERP). The only source of additional insurance to comply with the Commission's new regulations is NEIL. However, NEIL is a mutual company and under the provisions of the Nebraska Constitution, as interpreted by the Nebraska Supreme Court, there is considerable doubt as to whether the licensee may lawfully purchase insurance from NEIL. In an effort to satisfy the limitations of Nebraska law, effective on March 29, 1985, NEIL amended its charter and by-laws, together with a proposal to issue appropriate policy endorsements. Based upon NEIL's actions, the licensee submitted an application to NEIL for decontamination and property insurance. By letter from NEIL dated June 28, 1985, the licensee was advised NEIL would not issue a policy to the licensee until the licensee had secured a declaratory judgment from the Nebraska Supreme Court that non-voting membership in NEIL and the issuance of policies with appropriate endorsements would not violate the Nebraska Constitution. On July 1, 1985, the licensee, jointly with the Omaha Public Power District (the Districts), commenced an action for a declaratory judgment in the District Court of Lancaster County, Nebraska. The District Court issued its decision on December 1, 1986 in which it declined to grant a declaratory judgment. The Districts appealed the ruling of the District Court to the Nebraska Supreme Court. On September 9, 1988, the Nebraska Supreme Court denied the District's request for a declaratory judgment that the Districts may, consistent with Nebraska law, purchase insurance from NEIL. The Districts assert they plan to appeal the Nebraska Supreme Court's ruling. If such appeal fails, they plan to commence an action for a declaratory judgment in the United States District Court in Nebraska and ask the Federal court to declare that the Commission's new regulations preempt any provisions of the Nebraska Constitution.

In this regard, the Districts estimate that if, as appears necessary, they must seek a declaratory judgment from the United States District Court, that process would likely require approximately 18 months. As a result, the Districts continue to be unable to comply with § 50.54(w)(1) and, by letter dated November 4, 1988, have requested renewal of their temporary exemption until a satisfactory order from a state or Federal court has been obtained and NEIL has issued the necessary policies.

III

The NRC staff has reviewed the licensee's request for renewal of a schedular exemption from the requirements of 10 CFR 50.54(w)(1). The licensee has reasserted, and the Commission has found, 52 FR 28966, that it is unable to provide equivalent protection in lieu of purchasing the NEIL coverage. NEIL coverage cannot be secured until a satisfactory final order from either a state or Federal court is obtained. For these reasons, the staff finds that the licensee has shown good cause for the requested renewal of the schedular exemption from the full requirements of 10 CFR 50.54(w)(1). However, the staff does not believe the exemption should be for an indefinite period. Accordingly, the requested schedular exemption is acceptable for a period of eighteen months from December 5, 1988. If an appropriate state or Federal court order has not been obtained by such date, the staff would give consideration to a new application for an exemption.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(v), are present justifying the exemption. The licensee has been making, and continues to make, a good faith effort to secure the necessary state or Federal court order. Upon securing the necessary court order, the licensee intends to purchase the insurance policy from NEIL which would put it in compliance with the requirements of 10 CFR 50.54(w)(1).

Accordingly, the Commission hereby grants an exemption, as described in Section III above, from § 50.54(w)(1) of 10 CFR Part 50 to extend the date for acquiring the full amount of property insurance required by the Commission's regulations to no later than eighteen months from December 5, 1988. The licensee is exempt from purchasing property insurance in excess of that available from ANI/MAERP.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no signficant impact on the environment (53 FR 48992).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 5th day of December, 1988.

For the Nuclear Regulatory Commission.

Gary M. Holahan,

Acting Director, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-28489 Filed 12-9-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District, Fort Calhoun Station, Unit 1; Exemption

I

Omaha Public Power District (the licensee) is the holder of Facility Operating License No. DPR-40 that authorizes operation of the Fort Calhoun Station, Unit 1 (the facility) at a steady state reactor power level not in excess of 1420 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in Washington County, Nebraska. The license provides, among other things, that the facility is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II

Section 50.54(w)(1) of 10 CFR Part 50 requires that licensees of nuclear power reactors maintain a minimum property insurance coverage for operating nuclear power plants in the sum of $1.06 billion.

By letter dated October 2, 1987, the licensee, by its attorney, requested a schedular exemption from the full requirements of 10 CFR 50.54(w)(1) until a satisfactory final order from a state or Federal court has been obtained and the licensee is able to obtain the necessary insurance policies from Nuclear Electric Insurance Limited (NEIL). Currently, the licensee maintains $750 million of property insurance obtained through American Nuclear Insurers (ANI) and the Mutual Atomic Energy Reinsurance Pool (MAERP). The only source of additional insurance to comply with the Commission's new regulations is NEIL. However, NEIL is a mutual company and under the provisions of the Nebraska Constitution, as interpreted by the Nebraska Supreme Court, there is considerable doubt as to whether the licensee may lawfully purchase

insurance from NEIL. In an effort to satisfy the limitations of Nebraska law, effective on March 29, 1985, NEIL amended its charter and by-laws, together with a proposal to issue appropriate policy endorsements. Based upon NEIL's actions, the licensee submitted an application to NEIL for decontamination and property insurance. By letter from NEIL dated June 28, 1985, the licensee was advised NEIL would not issue a policy to the licensee until the licensee had secured a declaratory judgment from the Nebraska Supreme Court that non-voting membership in NEIL and the issuance of policies with appropriate endorsements would not violate the Nebraska Constitution. On July 1, 1985, the licensee, jointly with the Nebraska Public Power District (the Districts), commenced an action for a declaratory judgment in the District Court of Lancaster County, Nebraska. The District Court issued its decision on December 1, 1986 in which it declined to grant a declaratory judgment. The Districts appealed the ruling of the District Court to the Nebraska Supreme Court. On September 9, 1988, the Nebraska Supreme Court denied the District's request for a declaratory judgment that the Districts may, consistent with Nebraska law, purchase insurance from NEIL. The Districts assert they plan to appeal the Nebraska Supreme Court's ruling. If such appeal fails, they plan to commence an action for a declaratory judgment in the United States District Court in Nebraska and ask the Federal court to declare that the Commission's new regulations preempt any provisions of the Nebraska Constitution.

In this regard, the Districts estimate that if, as appears necessary, they must seek a declaratory judgment from the United States District Court, that process would likely require approximately 18 months. As a result, the Districts continue to be unable to comply with § 50.54(w)(1) and, by letter dated November 4, 1988, have requested renewal of their temporary exemption until a satisfactory order from a state or Federal court has been obtained and NEIL has issued the necessary policies.

III

The NRC staff has reviewed the licensee's request for renewal of a schedular exemption from the requirements of 10 CFR 50.54(w)(1). The licensee has reasserted, and the Commission has found, 52 FR 28966, that it is unable to provide equivalent protection in lieu of purchasing the NEIL coverage. NEIL coverage cannot be secured until a satisfactory final order from either a state or Federal court is obtained. For these reasons, the staff finds that the licensee has shown good cause for the requested renewal of the schedular exemption from the full requirements of 10 CFR 50.54(w)(1). However, the staff does not believe the exemption should be for an indefinite period. Accordingly, the requested schedular exemption is acceptable for a period of eighteen months from December 5, 1988. If an appropriate state or Federal court order has not been obtained by such date, the staff would give consideration to a new application for an exemption.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security. The Commission further determines that special circumstances, as provided in 10 CFR 50.12(a)(2)(v), are present justifying the exemption. The licensee has been making, and continues to make, a good faith effort to secure the necessary state or Federal court order. Upon securing the necessary court order, the licensee intends to purchase the insurance policy from NEIL which would put it in compliance with the requirements of 10 CFR 50.54(w)(1).

Accordingly, the Commission hereby grants an exemption, as described in Section III above, from § 50.54(w)(1) of 10 CFR Part 50 to extend the date for acquiring the full amount of property insurance required by the Commission's regulations to no later than eighteen months from December 5, 1988. The licensee is exempt from purchasing property insurance in excess of that avaialble from ANI/MAERP.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this Exemption will have no significant impact on the environment (53 FR 48993).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 5th day of December, 1988.

For the Nuclear Regulatory Commission.

Gary M. Holahan,

Acting Director, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 88-28490 Filed 12-9-88; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-26342; File No. SR-NYSE-88-36]

Self-Regulatory Organization; Proposed Rule Change By New York Stock Exchange, Inc. Relating to its New Rule 130 Regarding Overnight Comparison of Exchange Transactions

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 25 U.S.C. 78s(b)(1), notice is hereby given that on November 10, 1988, the New York Stock Exchange, Inc. ("NYSE") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of new NYSE Rule 130 which generally would require comparison of transactions effected on the Exchange by the close of business on the NYSE on the business day following the trade date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), (C), and (D) below.

A. Purpose

The purpose of the proposed rule change is to require that transactions effected on the Exchange be compared or otherwise closed out within one business day from the date of trade. This new procedure will require the adoption of a new Overnight Comparison System which is set forth in proposed new NYSE Rule 130 (see Exhibit A). The proposed rule does not affect the settlement of transactions, the majority of which are currently compared and settled within five business days from the date of trade.

In order that transactions can be compared by the end of the next business day, the proposed rule requires that members and member organizations submit trade data for the

purpose of comparison by a specified time to be determined by the Exchange. The Exchange, of course, would determine a reasonable deadline for submission to the comparison process, in order that overnight comparison be operationally feasible.

The Exchange believes that the Overnight Comparison System will substantially increase the efficiency of the post trade comparison process. Additionally, it will reduce—by four entire business days—the length of time members and member organizations are exposed to the risk of loss due to market fluctuations on uncompared or "questioned" trades. The Exchange expects to implement the Overnight Comparison System within 18 months subsequent to Commission approval of this rule. This delayed effectiveness is expected to enable the Exchange and the Exchange community to work out the details of additional rules and procedures that will be necessary to implement the Overnight Comparison System and to become operationally ready when the proposed new rule becomes effective. The Exchange has endeavored to explain the new system and has sought comment on the proposed rule and will continue to work with the membership to facilitate the introduction of the Overnight Comparison System.

B. Statutory Basis for the Proposed Rule Change

By ensuring that transactions are compared or otherwise closed out on the business day following trade date, the proposed rule change will increase the efficiency of the post trade comparison process and reduce the length of time that investors, members and member organizations are exposed to the risk of market fluctuations on uncompared trades, and this, in turn, will protect investors and the public interest, as called for in section 6(b)(5) of the Act.

The proposed rule change meets other requirements of section 6(b)(5), in that it will: (i) Help prevent fraudulent and manipulative acts and practices; (ii) promote just and equitable principles of trade; and (iii) foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities. It also meets requirements of section 17A(a)(1) in that it will enhance the prompt and accurate clearance and settlement of securities transactions.

C. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition not in furtherance of the purposes of the Act.

D. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

In a Special Membership Bulletin dated May 27, 1988, the Exchange notified its membership that its Board of Directors had approved the circulation, for comment, of a proposed new rule requiring that transactions effected on the Exchange be compared or otherwise closed out within one business day from the date of trade. Due to the many responses received and the importance of this subject, the Exchange issued a second Special Membership Bulletin dated July 15, 1988, which extended the comment period.

The Exchange has received a total of 36 letters in regard to the Overnight Comparison System from: (i) 33 non-public and public clearing and introducing member firms, (ii) one non-member correspondent firm, (iii) the Organization of Two Dollar Brokers, and (iv) the Data Management Division of Wall Street of the Securities Industry Association. The concept of overnight comparison was generally strongly endorsed by the respondents, the majority of whom emphasized the importance of reducing the time period during which uncompared trades are exposed to the risk of the market.

Two commentators expressed opposition to the proposed system, basically on operational grounds, while another ten commentators, which were in favor of the system, had some operation questions and/or reservations. The Exchange believes that the concerns raised by these respondents have been largely addressed by the August 19, 1988, Membership Notice, which provided considerable operational information, and by thorough discussions with the Exchange staff. The Exchange recognizes that, as several of the respondents have noted, the new system will require some additional expenditures on the part of member firms, but the Exchange believes that such expenditures will be more than offset by the reduction by four full days of the risk of market exposure from uncompared trades.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–NYSE–88–36 and should be submitted by January 3, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 6, 1988.

Jonathan G. Katz,

Secretary.

Exhibit A—Next Day Comparison of Exchange Transactions

Rule 130. (a) Notwithstanding any other rule to the contrary, on and after (intentional blank) each transaction effected on the Exchange shall be compared or otherwise closed out by the close of business on the Exchange on the business day following the day of the contract.

(b) The provisions of paragraph (a) above shall apply regardless of whether the transaction has been submitted to a "Qualified Clearing Agency" for comparison or settlement, but such provisions shall apply only to contracts for "regular way" settlement in stocks, rights and warrants unless (i) the Exchange determines to apply the provisions to contracts in other securities or contracts for other

settlement terms or (ii) the terms of the contract (for example, "next day settlement") require comparison to be effected on or before the business day following the day of the contract.

(c) To facilitate next day comparison of transactions effected on the Exchange as provided for in paragraph (a) above, by such time following any such transaction as the Exchange may prescribe, each member or member organization which is a party to the contract shall submit, or cause to be submitted, such trade data as may be required by the Exchange or the Qualified Clearing Agency it selects, in such form as the Exchange or the Qualified Clearing Agency shall prescribe, to:

(i) The Qualified Clearing Agency it selects; or

(ii) Such facility as the Exchange may develop and implement to facilitate comparison of transactions effected on the Exchange; and,

(iii) In the case where a Qualified Clearing Agency will not be used to compare or settle the transaction, to the party or parties on the other side of the trade.

(d) Members and member organizations shall comply with such other rules and procedures as may be adopted by the Exchange or the Qualified Clearing Agency they select, for the comparison or settlement of transactions, for the resolution of uncompared or questioned trades, and for the collection and submission of audit trail data.

* * * Supplementary Material:

.10 For purposes of paragraph (b) of this Rule 130, the term "Qualified Clearing Agency" shall have the same meaning as set forth in paragraph .10 of Rule 132, provided further that a clearing agency shall be deemed a "Qualified Clearing Agency" only if it has established rules and procedures to facilitate next day comparison of transactions as provided for in paragraph (a) of this Rule 130.

[FR Doc. 88-28495 Filed 12-9-88; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 34-26343; File No. SR-SCCP 88-01]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change By the Stock Clearing Corp. of Philadelphia Relating to fees for Clearance and Settlement of Market Basket Trades

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 17, 1988, the Stock Clearing Corporation of Philadelphia ("SCCP") filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

SCCP proposes as a rule change pilot fees for the clearance and settlement of basket trades.

II. Self-Regulatory Organization's Statement Regarding the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and statutory basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements:

(A) Self-Regulatory Organization's Statement of Purpose of, and Statutory Basis for, the Proposed Rule Change

With the emergence of stock index related instruments and the development of fast and efficient stock execution mechanisms, the 1980s have given rise to "Basket trading" whereby relatively risk-free, locked-in rates of return are achieved through the purchase or sale of stock index futures or options with the simultaneous and off-setting sale or purchase of baskets of stocks replicating those index positions.[1] SCCP's fee schedule traditionally has recognized the costs and appropriate fees associated with various types of trades. For example, SCCP's current schedule of charges establishes separate trade recording charges and value charges for regular trades, PACE trades, municipal bond trades and trades between two accounts. In this regard, SCCP believes that Basket trades represent a distinct type of trade with correspondingly different clearing implications. First, the stock execution portion of a Basket trade is one generally in highly capitalized listed stocks, *e.g.*, S&P 500 stocks. Moreover, because of the generally large dollar amount of the executed stock portion of a Basket trade, imposition of a clearing value charge could make basket trading prohibitively expensive. Accordingly, SCCP, desirous of attracting the business of participants whom engage in Basket trading to clear the stock execution side of those trades, has revised its fee schedule on a six-month pilot basis to accommodate this type of business. The pilot fees, which will not be added to the published SCCP Schedule of Charges until they become permanent, are as follows:

Trade Recording Charge

Basket Trades:

$0.60 per side for participants with 1 to 2,000 Basket trades per month.

$0.54 per side for participants with 2,001 to 6,000 Basket trades per month.

$0.48 per side for participants with 6,001 to 10,000 Basket trades per month.

$0.40 per side for participants with over 10,000 sides per month.

Value Charge: None.

Additionally, PHILADEP discounts are not applicable.

Before authorizing any participant to utilize the pilot fees, SCCP will determine that such participant is engaged in bona fide Basket trading and have assurance that only that segment of the participant's business is availed of the pilot fees. In this regard, SCCP will coordinate with the organization that clears the participant's index futures/options leg of its Basket trades to assure that the stock side of the trade is properly offset. While the Participants Fund contribution will be established and revised based on the quantity and type of Basket trading in which it engages, SCCP will also enhance its internal risk management department and will review daily, via a mark-to-maket report, potential exposure, and specifics relating to trading activity of the Basket trading participant.

The proposed rule change is consistent with section 17A(b)(3)(D) of the Exchange Act is providing for equitable allocations of reasonable dues, fees and other charges among participants. In this regard, SCCP has the computer and systems capacity to process the clearance and settlement of Basket trades. Because of the computer effeciency of handling the high trade volumes attendant to Basket trading and in order to attract this type of business to the clearing corporation, SCCP believes that the substantial clearing fee

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[1] SCCP's definition of "Basket trading" corresponds to the Commission's Division of Market Regulation's definitions of "portfolio insurance" and "index arbitrage" as delineated in *The October 1987 Market Break A Report by the Divison of Market Regulation U.S. Securities and Exchange Commision*, dated February 1988 at pp. 1-2, 1-3.

discounts entailed by the new fees are appropriate under the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

SCCP does not perceive any burdens on competition as a result of the proposed rule change, which is intended to provide a pilot specialized fee schedule for clearance and settlement of a particular type of trade.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at SCCP. All submissions should refer to File No. SR–SCCP–88–01 and should be submitted by January 3, 1989.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 6, 1988.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–28496 Filed 12–9–88; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–16678; 812–7181]

Banco Espanol Central de Credito, S.A.; Application December 6, 1988

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("1940").

APPLICANT: Banco Expanol Central de Credito, S.A. (to be formed).

RELEVANT 1940 ACT SECTION: Exemption requested under section 6(c) from all provisions.

SUMMARY OF APPLICATION: Applicant seeks an order to permit the issuance and sale of its equity securities in the United States.

FILING DATE: The application was filed on November 21, 1988.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 30, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicant with the request, either personally or by mail, and also send it to the Secretary of the SEC, along with proof of services by affidavit or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the SEC.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, c/o Richard L. Russell, Esq., Baer Marks and Upham, 805 Third Avenue, New York, NY 10022.

FOR FURTHER INFORMATION CONTACT: Victor R. Siclari, Staff Attorney, at (202) 272–3026 or Stephanie M. Monaco, Branch Chief, at (202) 272–3030 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the SEC's Public Reference Branch in person or the SEC's commercial copies who can contacted at (800) 231–3282 (in Maryland (301) 258–4300).

Applicant's Representations

1. The Applicant is a new bank which will be incorporated in Spain in 1989 after all required governmental consents and approvals have been obtained. The application is made on behalf of Applicant by Banco Central, S.A. ("BC") and Banco Espanol de Credito, S.A. ("BE"), but under Spanish law is deemed to have been made by Applicant on its incorporation, with all undertakings, consents and conditions in the application by operation of Spanish law being binding upon and fully assumed by Applicant on the date of its incorporation and thereafter. Upon incorporation, Applicant will acquire all of the assets and assume all of the liabilities of each of BC and BE. At the same time, the shares of each of BC and BE will be converted into and become exchangeable for shares of the Applicant and BC and BE will be dissolved. BC has previously received orders exempting it from all of the provisions of the 1940 Act in connection with the issuance and sale of its commercial paper notes and other debt securities and its equity securities in the United States. *See Banco Central, S.A.*, Investment Company Act of 1940 Release No. IC–15015 (March 26, 1986); *Banco Central, S.A.*, Investment Company Act of 1940 Release No. IC–15471 (December 10, 1986).

2. Upon acquiring all of the assets and assuming all of the liabilities of BC and BE, the Applicant will be a full-service commercial bank with 10 Spanish bank subsidiaries. On a combined pro forma basis at June 30, 1988, Applicant was the largest Spanish banking group in terms of total consolidated loans and advances (US $24 billion) and total consolidated assets (US $58.1 billion). Applicant and its Spanish bank subsidiaries will provide services to the public through approximately 5,399 branches in Spain and through 170 branch and representative offices in 28 other countries and territories. Applicant's principal business will be the taking of deposits and the making of loans. Together with the banking and financial subsidiaries, Applicant will conduct a commercial banking business and be subject to banking regulation in each of these countries and territories, and various members of Applicant's group will be subject to reserve requirements and regulatory controls imposed by the central banks and other authorities in most of these countries.

3. Governmental regulation of the Spanish banking industry is administered by its central bank, the Bank of Spain. Spanish banks are

subject to continuing central bank supervision of their activities and operations and to periodic inspection and regular reporting requirements designed to insure compliance with various rules, regulations and formulas governing capital, assets and liabilities. Applicant will be subject to the very same regulation and administrative supervision as BE and BC.

4. Applicant will conduct its banking activities in the United States through a branch in New York, agencies in Miami and San Francisco, a subsidiary commercial bank and a subsidiary state-chartered bank in New York, and a subsidiary commercial bank in Puerto Rico. Those banking activities subject the Applicant to the supervisory authority of the Board of Governors of the Federal Reserve System (the "FRB"), the Federal Deposit Insurance Corporation (the "FDIC"), the banking departments of the States of New York, Florida and California, and the Commissioner of Financial Institutions of the Government of Puerto Rico. In addition, Banco Central Corp. (a Puerto Rican licensed bank of the BC group) is a reporting company under the Securities Exchange Act of 1934 ("1934 Act") and upon listing of Applicant's shares in the form of American depository shares ("ADSs") on the New York Stock Exchange ("NYSE"), Applicant will be subject to compliance with the provisions of the Securities Act of 1933 (the "1933 Act"), the periodic reporting and filing requirements of the 1934 Act, and the rules and regulation of the NYSE. Applicant will be a registered foreign bank holding company, subject to all provisions of the Bank Holding Company Act of 1956, including the reporting and examination provisions. In addition, the Applicant is subject to the provisions of the International Banking Act of 1978 (the "IBA") as a foreign banking organization engaged in the business of banking in the United States. Under the IBA, Applicant's branch and agencies are subject to interstate banking restriction, direct examination by and reporting to the FRB and the maintenance of reserves with the local Federal Reserve Banks.

5. Applicant's New York branch and subsidiary state-chartered bank had total assets of approximately $1.5 billion on a combined pro forma basis at June 30, 1988. The branch and the subsidiary will be subject to regular supervision and examination by the New York State Banking Department. Applicant's New York subsidiary commercial bank had total assets of $416 million at June 30, 1988 and will be regulated by both the New York State Banking Department and the FDIC. Applicant's agencies in Florida and California, although smaller in terms of assets than the New York branch, will be supervised by the Florida and California banking authorities in a manner essentially similar to that in New York. Applicant's subsidiary bank in Puerto Rico had total assets of $1.28 billion at June 30, 1988, will be regulated by the Government of Puerto Rico and subject to examination by and reporting to both the Commissioner of Financial Institutions and the FDIC and will continue to be subject to such examination and reporting.

6. Applicant proposes to list its shares on the NYSE in the form of ADSs and to issue and sell equity securities in the future in the United States. Applicant would issue and sell its equity securities either directly or in the form of ADSs evidenced by American Depositary Receipts.

Applicant's Legal Analysis

1. Applicant states that the proposed exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act. The exemption will advance the policies underlying the IBA of nondiscriminatory treatment of foreign banks in the United States. Applicant states that access to the United States investment market will provide United States investors with an ability to achieve greater diversification and lower risk by investing in its equity securities subject to the protection afforded by the 1933 Act and 1934 Act. Applicant submits that the section 3(c)(3) exception for domestic banks from the 1940 Act's definition of investment company was provided because comprehensive regulation and supervision of banks obviated the need for regulation under the 1940 Act. Applicant contends that these reasons also apply to Applicant because its operations will be controlled and overseen by Spanish banking authorities and its United States operations are subject to United States banking laws and various state banking laws. Hence, Applicant concludes that it is unnecessary and inappropriate to subject it to regulation under the 1940 Act.

Applicant's Conditions

If the requested order is granted, Applicant agrees to the following conditions:

1. Applicant undertakes that it will not make an offering of equity securities in the United States requiring registration under the 1933 Act unless (a) the offering of such securities is registered under the 1933 Act or (b) in the opinion of United States counsel for the Applicant an exemption from registration under the 1933 Act is available with respect to such offer and sale or (c) the staff of the SEC states that it would not recommend that the SEC take any action under the 1933 Act if such securities are not registered. No such securities shall be offered or sold unless, at the time, the Applicant is supervised and examined by governmental authorities in Spain having supervision over banks in that country and by State or Federal authorities in the United States having supervision over banks in this country.

2. Applicant undertakes that any offering of its equity securities in the United States will be made on the basis of disclosure documents which are appropriate and customary for such offering, whether made pursuant to a registration statement under the 1933 Act or an exemption therefrom.

3. Applicant undertakes that in connection with any offering by the Applicant of its equity securities in the United States, Applicant will appoint an agent to accept service of process in any suit, action or proceeding with respect to Applicant's offer and sale of such securities and instituted in any State or Federal court in New York City by the holder of any such securities and will expressly submit to the jurisdiction of any such court for the purpose of any such suit, action or proceeding.

4. Applicant represents that it has no present intention to curtail its banking operations in either the United States or Spain so that it would cease to be regulated as a bank in both the United States and Spain. If, however, such operations in the future are curtailed with the result that the Applicant is no longer regulated as a bank in the United States, Applicant agrees that it will continue to comply with its undertakings concerning the Applicant's appointment of an agent in New York City and the Applicant's submission to jurisdiction until such time as there shall be no holders in the United States of equity securities of the Applicant issued in reliance upon any SEC order made pursuant to this application.

5. Applicant further consents to the requested order being expressly conditioned on its compliance with the undertakings and representations summarized above and more fully set forth in the application.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88-28497 Filed 12-9-88; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-16879; File No. 812-7126]

Keystone Provident Life Insurance Co. et al.

December 6, 1988.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of filing of application foir an order under the Investment Company Act of 1940 ("1940 Act").

APPLICANTS: Keystone Provident Life Insurance Company ("Keystone"); KMA Variable Account; Keystone Provident Variable Account I; Keystone Provident Variable Account II; Keystone Custodian Funds, Inc. (as Trustee); Keystone Custodian Funds, Inc.; Keystone Provident Financial Services Corp.; certain registered management investment companies: Cash Income Trust ("CIT"), Government Guaranteed Securities Trust ("GGST"), Government Securities Zero Coupon Trust ("ZCT"), Mortgage Securities Income Trust, Managed Growth Stock Trust, Investment Grade Bond Trust, High Yield Bond Trust ("HYBT"), Managed Assets Trust ("MAT"), and Aggressive Stock Trust ("AST") (the "Current Eligible Funds"), Money Market/Options Investments, Inc. ("MMOI"), Keystone Liquid Trust ("KLT"), Keystone Custodian Fund, Series B-1, Keystone Custodian Fund, Series B-2, Keystone Custodian Fund, Series B-4, Keystone Custodian Fund, Series S-1, Keystone Custodian Fund, Series S-3, and Keystone Custodian Fund, Series S-4 (the "Public Mutual Funds"); SteinRoe Variable Investment Trust ("SteinRoe Trust") and Stein Roe & Farnham Incorporated.

RELEVANT 1940 ACT SECTIONS: Applicants request an order pursuant to sections 6(c), 17(b), and 26(b) of the Investment Company Act of 1940 (the "1940 Act") and Rule 17d-1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order approving the redemption in-kind of shares of the Current Eligible Funds, the redemption for cash of certain shares of the Public Mutual Funds, and the purchase with the redemption proceeds of shares of the portfolios of the SteinRoe Trust ("Substitution"), which will thereafter serve as the funding vehicles for certain variable annuity contracts ("Contracts") offered by the KMA Variable Account, and certain variable life insurance policies. ("Policies") offered by the Keystone Provident Variable Account I and Keystone Provident Variable Account II (collectively referred to with the KMA Variable Account as the "Accounts").

FILING DATE: The application was filed on September 19, 1988 and an amendment was filed on November 29, 1988.

HEARING OR NOTIFICATION OF HEARING: If no hearing is ordered, the application will be granted. Any interested person may request a hearing on this application, or ask to be notified if a hearing is ordered. Any requests must be received by the SEC by 5:30 p.m., on December 28, 1988. Request a hearing in writing, giving the nature of your interest, the reason for the request, and the issues you contest. Serve the Applicants with the request, either personally or by mail, and also send it to the Secretary of the Commission, along with proof of service by affidavit, or, for lawyers, by certificate. Request notification of the date of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Applicants, c/o Robert R. Baird, Esq., Keystone Provident Life Insurance Company, 99 High Street, Boston, Massachusetts 02110. Copies to Joan E. Boros, Esq., Freedman, Levy, Kroll and Simonds, 1050 Connecticut Avenue, NW., Suite 825, Washington, DC 20036, and John Benning, Esq., Senior Vice President, SteinRoe Variable Investment Trust, 800 Atlantic Avenue, Boston, Massachusetts 02210.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Ulness, Attorney, at (202) 272-2026 or Clifford E. Kirsch, Special Counsel, at (202) 272-2061 (Division of Investment Management).

SUPPLEMENTARY INFORMATION: Following is a summary of the application; the complete application is available for a fee from either the Public Reference Branch in person or the Commission's commercial copier which may be contacted at (800) 231-3282 (in Maryland (301) 253-4300).

Applicants' Representations

1. Keystone is a stock life insurance company, and is currently a wholly-owned subsidiary of The Travelers Insurance Company of Hartford, Connecticut ("Travelers"). Travelers has entered into a definitive Sales Agreement ("Agreement") with Liberty Mutual Insurance Company ("Liberty Mutual") to sell all of the capital stock of Keystone to Liberty Mutual. Among Liberty Mutual's indirect subsidiaries is the investment advisory firm of Stein Roe & Farnham Incorporated ("Stein Roe"). The sales transaction is subject to approval of the Commissioner of Insurance of the State of Rhode Island, the domiciliary state of Keystone. Keystone and Liberty Mutual have scheduled the closing of the sales transaction ("Closing") to occur on or before December 30, 1988. Keystone has scheduled the Substitution to occur on December 31, 1988 for accounting, tax and other reasons, including anticipated benefits to owners of the Contracts ("Contract Owners") and owners of the Policies ("Policy Owners").

2. The KMA Variable Account, registered as a unit investment trust under the 1940 Act, serves as the funding medium for Contracts issued and administered by Keystone, including individual deferred variable annuity contracts designed for use in connection with retirement plans defined as qualified plans or receiving special income tax treatment under sections 401, 403, 408, 457 or any similar provisions of the Internal Revenue Code of 1986, as amended ("Code") ("Qualified Contracts"), and for use with plans not qualifying for special income tax treatment under such provision of the Code ("Non-Qualified Contracts"). Retirement plans under section 457 of the Code are not defined as qualified plans by the Code, although they enjoy certain tax benefits under the Code. Keystone Provident Financial Services Corp. ("KPFSC") serves and will continue to serve as principal underwriter for the Contracts following the Closing and Substitution.

3. Purchase payments under the Contracts are currently allocated by Contract Owners among one or more KMA Subaccounts for investment in the Current Eligible Funds, except for GGST and ZCT. Each Current Eligible Fund is a separate, diversified, open-end management investment company registered under the 1940 Act. Shares of each of these Current Eligible Funds may be sold only to Keystone for the KMA Variable Account and other insurance company separate accounts. For each Current Eligible Fund there is a corresponding KMA Sub-account. Keystone Custodian Funds, Inc. ("KCF") is the investment adviser to the Current Eligible Funds, the Public Mutual Funds and also serves as Trustee to the Public Mutual Funds other than MMOI and KLT.

4. Prior to September 25, 1981, purchase payments from both Qualified

and Non-Qualified Contracts could be invested in one or more KMA Sub-accounts investing in the Public Mutual Funds, shares of which are also offered and sold to members of the general public without the purchase of a Contract, except for MMOI as explained below.

5. On September 25, 1981, the Internal Revenue Service ("IRS") issued Revenue Ruling 81-225. In response to Revenue Ruling 81-225 and Revenue Ruling 82-55, which was issued to clarify Ruling 81-225, Contracts are funded by different underlying Funds, as follows: Qualified and Non-Qualified Contracts issued prior to September 25, 1981 and Contracts issued pursuant to section 457 of the Code ("Section 457 Contracts") issued after September 25, 1981 and prior to May 1, 1986 are funded by the Public Mutual Funds. The Public Mutual Funds, as well as Keystone Custodian Fund, Series K-2 serve as the investment medium for a separate account that is not registered under the 1940 Act, pursuant to section 3(c)(11) and the contracts are not registered under the 1933 Act pursuant to section 3(a)(2). All other Contracts issued after September 25, 1981 and prior to July 1, 1986 are funded by the Current Eligible Funds and MMOI. Current KMA Sub-accounts now invest purchase payments from the Qualified and Non-Qualified Contracts in the available Current Eligible Funds, except for ZCT and for GGST. Non-Qualified Contracts purchased between April 9, 1981 and September 25, 1981 may not make any additional purchase payments ("Affected Contracts").

6. Keystone Provident Variable Account I and Keystone Provident Variable Account II ("VLI Accounts") are segregated investment accounts registered under the 1940 Act as unit investment trusts. The VLI Accounts were established to fund the Policies which are Individual Single Premium Variable Life Insurance Policies. Each VLI account is divided into sub-accounts that correspond to the Current Eligible Funds, including GGST and Government Securities Zero Coupon Trust ("ZCT"). KPFSC serves and will continue to serve as principal underwriter for the Policies following the Closing and Substitution.

7. The SteinRoe Trust is a series company with nine types of investment portfolios, called Funds, that have investment objectives, policies and restrictions that are similar, if not identical, to the investment objectives, policies and restrictions of the Current Eligible Funds. The fees for advisory and management services to be paid by the SteinRoe Trust will not be greater than the corresponding fees paid by the Current Eligible Funds.

8. The SteinRoe Trust has the following Funds that will be substituted for the Current Eligible Funds and the Public Mutual Funds ("Keystone Funds") and will be offered under the Contracts and Policies immediately following the Substitution: Cash Income Fund, Government Guaranteed Securities Fund, Mortgage Securities Income Fund, Investment Grade Bond Fund, High Yield Bond Fund, Managed Assets Fund, Managed Growth Stock Fund, Aggressive Stock Fund and Government Securities Zero Coupon Fund (referred to collectively as the "Funds"). Following the Substitution, interests under Qualified Contracts may be invested in the Government Guaranteed Securities Fund of the SteinRoe Trust.

9. Keystone on its own behalf and on behalf of the Accounts proposes to effect a substitution of all shares of the Keystone Funds, except as noted below in 10, for shares of the appropriate Funds of the SteinRose Trust, which is currently scheduled to occur on December 31, 1988. Within five days after the Substitution, the Contract Owners and Policy Owners (collectively referred to as "Owners") will receive written notice of the Substitution ("Notice") that identifies the shares that have been eliminated and substituted. Included in the mailing will be the Prospectus for the SteinRoe Trust and the supplements to the prospectuses of the Accounts that describe the purchase of Keystone by Liberty Mutual and the related Substitution. Owners will be advised in the Notice that for a period of thirty days from the mailing of the Notice, Owners may transfer all assets, as substituted, to any other available KMA or VLI Sub-account as appropriate.[1] Any such transfer will not be counted toward the current limitations on transfers under the Contracts or Policies. Following the Substitution, Owners will be afforded the same contract rights with regard to amounts invested under the Contracts and Policies at they currently have.

10. Contract Owners who purchased the Affected Contracts are required to include in their gross income earnings and gains from the ownership of Public Mutual Fund shares. Some uncertainty exists as to whether proceeds from the redemption of shares of the Public Mutual Funds relating to the Affected Contracts may be invested in the SteinRoe Trust in compliance with Treasury Regulation § 1.817-5(T) ("Diversification Regulations"). A similar uncertainty exists with regard to investing proceeds from the redemption of shares of the Public Mutual Funds relating to the section 457 Contracts. To avoid any uncertainty and further the SteinRoe Trust's compliance with the Diversification Regulations, Keystone proposes to retain investments under such Contracts in the Public Mutual Funds. Keystone will proceed with the Substitution with respect to all other Contracts invested in the Public Mutual Funds, including MMOI. The investment of proceeds from the redemption of interests in MMOI in the Funds of the SteinRoe Trust is permitted by the Diversification Regulations.

11. Keystone will redeem all shares of the Current Eligible Funds it currently holds on its own behalf, on behalf of certain unregistered separate accounts and on behalf of the Accounts on December 31, 1988. The Current Eligible Funds propose to effect the redemptions in-kind, e.g., to deliver, in return for its shares, the portfolio securities held by each Current Eligible Fund. In most cases, Keystone will receive all of the assets of the Current Eligible Fund, however, with regard to CIT, HYBT, MAT and AST, in which The Travelers Funds U for Variable Annuities and The Travelers Fund UL for variable life insurance have investments, an equitable division of the portfolio assets will be made between Keystone and its separate accounts and Travelers' two separate accounts, under directives of the Boards of Trustees of such funds. The directives will require the division of each portfolio holding to be on a basis proportionate to each Company's separate accounts' investments in the applicable Current Eligible Fund, to the extent possible. Keystone believes that the Current Eligible Funds' decisions to effect the redemptions in-kind will minimize transaction costs and maximize the full investment of the corresponding Funds of the SteinRoe Trust. Travelers and KCF have advised Keystone that registration statements of each Current Eligible Fund will be maintained pending their availability for investment under programs to be developed by Travelers and/or KCF.

12. The custodian, State Street Bank and Trust Company ("State Street"), will record all portfolio assets received from the Current Eligible Funds on its records for the corresponding Funds of the SteinRoe Trust upon issuance of shares of the Funds to the Accounts. The portfolio assets received from the Current Eligible Funds will be used to simultaneously purchase shares of

[1] Applicants will provide in the Notice of Substitution that the Owners will be given sixty days, instead of thirty days, to make such transfers.

corresponding Funds of the SteinRoe Trust. As a result, at all times, monies attributable to Owners currently invested in the Current Eligible Funds will be fully invested.

13. Keystone will redeem all shares of the Public Mutual Funds it currently holds on its own behalf, on behalf of any unregistered separate accounts and on behalf of the KMA Variable Account on December 31, 1988, except as discussed above in 12. Such redemption proceeds shall be in cash and simultaneously applied to purchase shares of certain Funds of the SteinRoe Trust. The investment objectives, policies and restrictions of the Public Mutual Funds do not in all cases directly correspond to the proposed investment objectives, policies and restrictions of the Funds of the SteinRoe Trust. In all cases, however, there is a Fund whose objective approximates the objective of the Public Mutual Fund. Keystone has reviewed the respective investment objectives, policies and restrictions and has determined which Fund of the SteinRoe Trust most closely corresponds to the Public Mutual Fund for purposes of the Substitution.

14. State Street will record the receipt of cash and subsequent investments on the books and records of the SteinRos Trust.

15. Applicants represent that the transactions effecting transfer of the portfolio assets of the Current Eligible Funds in return for shares of the SteinRoe Trust and the redemption of shares of the Public Mutual Funds for cash and the purchase of shares of the Funds of the SteinRoe Trust will be effected in conformity with section 22(c) of the 1940 Act and Rule 22c–1 thereunder. Owner interests, in practical economic terms, will be the same in any measurable way after the Substitution as such interests immediately prior to the Substitition. In each case, the consideration to be received and paid is, therefore, reasonable and fair.

16. The purposes, terms and conditions of the Substitution are consistent with the principles and purposes of section 26(b) and do not entail any of the abuses it is designed to prevent. Of primary significance is that the Substitution is occasioned by a compelling corporate purpose. Travelers' sale of Keystone and the acquisition by Liberty Mutual presents a situation giving rise to the need for the Substitution. The Agreement contemplates that Liberty Mutual is purchasing a company with substantial assests attributable to variable life insurance products and that future management of such assets will be by an affiliate of Liberty Mutual, SteinRoe.

17. The Substitution will not result in the type of costly forced redemption that section 26(b) was intended to guard against and is consistent with the protection of investors and the purposes fairly intended by the 1940 Act for the following reasons: (1) The Substitution is of shares of Funds of the SteinRoe Trust whose objectives, policies and restrictions are identical or similar to the Keystone Funds in all material respects so as to continue fulfilling the Owner's objectives and expectations; (2) Owners have thirty days [2] to reconsider the Substitution and reallocate the assets for investment in an Owner-selected Fund; (3) the Substitution will be at net asset value of the respective shares, without the imposition of any transfer or similar charge; (4) the Substitution will not be counted against the number of permissible transfers; (5) the Substitution in no way will alter the insurance benefits to Owners or the contractual obligations of Keystone and Owners will continue to look to Keystone with regard to their rights under the contracts and Policies; (6) Owners may choose to withdraw amounts credited to them following the Substitution; (7) the Substitution is expected to confer other economic benefits to Owners; (8) the Substitution is fair to all interests, including the interests of Owners of the Affected Contracts, Section 457 Contracts, owners of Travelers' contracts and the public shareholders investing in the Public Mutual Funds; (9) the voting rights of Owners will be the same before and after the Substitution; (10) the fees and charges paid by the Owners of Contracts and Policies will be no greater after the Substitution than before the Substitution as a result of the Substitution; (11) operating expenses of the SteinRoe Trust will be no greater than the operating expenses of the Current Eligible Funds as a result of the Substitution; (12) with respect to those Public Mutual Funds that experience expense ratios greater than the Current Eligible Funds, Keystone believes that it is reasonable to anticipate that the Owners may benefit from the expense ratios of the SteinRoe Trust that may be significantly lower than the expense ratios of the Public Mutual funds; and (13) the costs of the Substitution, including the costs of establishing the SteinRoe Trust, will not be borne by Owners.

18. The Substitution will produce various benefits to Owners and Keystone. There are seventeen Keystone Funds, and only nine Funds in the SteinRoe Trust. The Substitution constitutes a consolidation of assets among nine investment alternatives (ten series as defined under the 1940 Act) of a single investment company as opposed to the dispersion between seventeen separate funds. The consolidation may result in economies of scale and reduced administrative costs. The elimination of duplicative administrative expenses may be expected to result in some reduction of the expenses associated with the operations of the SteinRoe Trust. Keystone anticipates future benefits to Owners as a result of investment in a series form of investment company. The feasibility of adding additional investment alternatives is enhanced by the series form of the SteinRoe Trust. The Substitution may also provide benefits to Keystone by reducing certain of the administrative burden on and costs to Keystone. Moreover, the Substitution is occasioned by the compelling corporate purpose arising from the sale of Keystone to Liberty Mutual.

19. Section 17(d) of the 1940 Act and Rule 17d–1(a) thereunder prohibits any affiliated person or any affiliated person of such affiliated person, of a registered investment company, acting as principal, from participating or effecting any transaction in connection with any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered investment company or a company controlled by such registered company, is a participant unless the Commission has entered an order approving the plan. Each Applicant may be deemed to be an affiliated person of certain or each other Applicant under section 2(a)(3) of the 1940 Act, and the Substitution may be deemed to be the type of transaction prohibited under section 17(d) of the 1940 Act and Rule 17d–1 thereunder. The Substitution anticipates simultaneous purchase and sale transactions involving a number of registered investment companies, and each such purchase and sale transaction is dependent on the other. Each purchase and sale transaction is, thus, an essential aspect of a more comprehensive plan. In this sense, each transaction may be deemed to be in connection with a joint arrangement within the contemplation of section 17(d) of the 1940 Act and Rule 17d–1 thereunder. Without necessarily agreeing to the applicability of section 17(d), Applicants are requesting an order of the Commission.

[2] *See infra* note 1.

Applicants' Legal Conclusion

Applicants submit, for all of the reasons stated herein, that their exemptive requests meet the standards set out in sections 6(c), 17(b) and 26(b) of the 1940 Act and Rule 17d–1 thereunder and that an order should, therefore, be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 88–28498 Filed 12–9–88; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program 14 CFR Part 150, Anchorage International Airport, Anchorage, AK

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the State of Alaska for Anchorage International Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of federal and non-federal responsibilities in Senate Report No. 96–52 (1980). On January 22, 1987, the FAA determined that the noise exposure maps submitted by the State of Alaska under Part 150 were in compliance with applicable requirements. On October 11, 1988, the Administrator approved the Anchorage International Airport noise compatibility program except aviation noise abatement measures 3, 4, and 5. Measure 3 (limitation of the number of aircraft in the Lake Hood traffic patterns by holding incoming traffic at Pt. MacKenzie) relates to flight procedures under provisions of 104(b) for which no action is requires at this time, since it does not identify a demonstrative noise benefit, and can only be predicated on completion of an FAR Part 93 airspace review requested by the State of Alaska. Measure 4 (displacement of the east and threshold of the east/west waterlane) relates to flight procedures under provisions of 104(b) for which no action is required at this time, since Measure 4 is predicated on Measure 3 and does not indicate any demonstrative noise benefit. Measure 5 (restriction of touch-and-go training operations at the Lake Hood complex) is disapproved from an FAR Part 150 viewpoint due to lack of identified, specified noise benefits above the 65 Ldn contour.

EFFECTIVE DATE: The effective date of the FAA's approval of the Anchorage International Airport noise compatibility program is October 11, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Perham, Civil Engineer, Planning and Programming Branch, Airports Division, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, Alaska 99513, telephone (907) 271–5448. Documents reflecting this FAA action may be obtained from the same individual.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Anchorage International Airport, effective October 11, 1988.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel. Each airport noise compatibility program developed in accordance with Federal Aviation Administration Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden or interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports Regional Office in Anchorage, Alaska.

The State of Alaska submitted to the FAA on October 24, 1986, the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from September 5, 1985, through December 31, 1987. The Anchorage International Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on January 22, 1987. Notice of this determination was published in the **Federal Register** on February 13, 1987.

The Anchorage International Airport study contains a proposed noise implementation by airport management and adjacent jurisdictions from date of study completion beyond the year 1991. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on April 14, 1988, and was required by a provision of the Act to approve or disapprove the program within 180 days. Failure to approve or disapproval such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 16 proposed actions on and off the airport for noise mitigation. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Administrator effective October 11, 1988.

Approval was granted for all of the specific program elements. Summarized approved elements include:

a. Airport

Maximizing the existing preferential runway system; adoption of AC–91–53 and NBAA's close in departure procedures; and after the Lake Hood segment development, establishment of preferential runway use in segment barriers and construction of noise barrier.

b. Off Airport

Land use management techniques including compatible use zoning, mobile home and camper park restrictions, soundproofing, easements, noise levels identified on plats, comprehensive planning, adoption of noise compatibility planning criteria, and public land development criteria.

These determinations are set forth in detail in a Record of Approval endorsed by the Administrator on October 11, 1988. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the State of Alaska, Anchorage International Airport.

Issued in Anchorage, Alaska, November 18, 1988.

Russel S. Hathaway,

Manager, Airports Division, Alaskan Region.

[FR Doc. 88–28433 Filed 12–9–88; 8:45 am]

BILLING CODE 4910–13–M

Approval of Noise Compatibility Program; Missoula County Airport, Missoula, MT

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Manager of the Missoula County Airport under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and non-Federal responsibilities in Senate Report No. 96–52 (1980).

On May 25, 1988, the FAA determined that the noise exposure maps submitted by the Airport Manager under Part 150 were in compliance with applicable requirements. On November 4, 1988, the Associate Administrator for Airports approved the Missoula County Airport noise compatibility program. Most of the program elements were approved.

EFFECTIVE DATE: The effective date of the FAA's approval of the Missoula County Airport noise compatibility program is November 4, 1988.

FOR FURTHER INFORMATION CONTACT: Dennis G. Ossenkop; Federal Aviation Administration; Northwest Mountain Region; Airports Division, ANM–611; 17900 Pacific Highway South; C–68966; Seattle, Washington 98168. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Missoula County Airport, effective November 4, 1988. Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such a program to be developed in consultation with interested and affected parties including the state, local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulation (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types of classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Helena, Montana.

Missoula County submitted to the FAA the noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study conducted at Missoula County Airport. The Missoula County Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on May 25, 1988. Notice of this determination was published in the **Federal Register** on June 23, 1988.

The Missoula County Airport noise compatibility program contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1991. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the

program on May 25, 1988, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained 9 proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR 150 have been satisfied. The overall program, therefore, was approved by the Associate Administrator for Airports effective November 4, 1988.

Outright approval was granted for 7 specific program elements. Program Element A.1 was disapproved because local conditions are such that a formal preferential runway use procedure is not practical. Program Element B.1 was disapproved pending submission of additional analysis regarding the zoning of land proposed for acquisition.

These determinations are set forth in detail in a Record of Approval endorsed by the Associate Administrator for Airports on November 4, 1988. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of Missoula County Airport.

Issued in Seattle Washington on November 18, 1988.

Edward G. Tatum,

Manager, Airports Division, Northwest Mountain Region.

[FR Doc. 88-28428 Filed 12-9-88; 8:45 am]

BILLING CODE 4910-13-M

Federal Railroad Administration

[Docket No. LI-88-4]

Petition for Waiver of Compliance; Canadian Pacific Ltd.

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with a requirement of its locomotive safety standards. The individual petition is described below, including the party seeking relief, the regulatory provision involved, and the nature of the relief being requested.

Canadian Pacific Limited

[Waiver Petition Docket Number LI-88-4]

The Canadian Pacific Limited (CP Rail) requests a waiver of compliance with certain provisions of the railroad locomotive safety standards (49 CFR Part 229). CP Rail seeks a temporary waiver of compliance with § 229.29, which stipulates that all brake valves, with the exception of 26 L Type, must be cleaned, tested and inspected every 736 calendar days. The 26 L type air brake equipment must be cleaned, inspected and tested every 1104 calendar days. The extended cleaning time period for 26 L type air brake equipment resulted from test data derived from a safe service test program started in 1981 and expanded in 1985 (see **Federal Register** Notices of June 29, 1981 (46 FR 33401) and January 29, 1985 (50 FR 3910) for details. CP Rail and the Canadian National Railways (CN Rail), in conjunction with the Canadian government's National Transportation Agency, will test and evaluate the condition of 26 L type locomotive air brake valves after 48 months of service instead of 36 months (approximately 1104 days). There will be 60 locomotives in the test program, 30 from each railroad. CP Rail has included the following ten locomotives, which are in international service:

DE1816, DE4234, DE4550, DE4733, DE5509, DE4211, DE4501, DE4708, DE5508 and DE8035.

The test commenced on February 15, 1988. The extended test period for each locomotive will commence at the expiration of its normal 36-month service period. This arrangement staggers both the beginning and ending period for the 60 locomotives under test. The National Transportation Agency states that the test locomotives will be operated over the entire system of both railroads under variable conditions, such as weather, temperature and geographical locations. The locomotives will be closely monitored, and brake valves will be disassembled throughout the test program to determine their condition.

Based on CP Rail's representations, FRA has conditionally approved CP Rail's petition and granted an interim conditional waiver permitting the carrier to operate the ten locomotives in the United States while its petition is being announced for public comments, considered by FRA, and finally resolved. FRA has granted this interim waiver in order to preserve the integrity of the test.

The following conditions apply to each of the ten locomotives in international service:

(1) That each locomotive included in this waiver have a notice prominently displayed in the control compartment with the information:

Air Brake Equipment Under Test with FRA Waiver Approval;

(2) That the specific equipment under test be identified in some manner or be listed on the Inspection and Repair Report on display in the control compartment;

(3) That the results of the test be provided to the FRA when the program is completed; and

(4) That the FRA Office of Safety RRS-10, 400 Seventh Street, SW., Washington, DC 20590, be notified as soon as practicable if any incident occurs that is attributable to the air brake on a locomotive covered by this waiver.

Interested parties are invited to participate in this proceeding by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (here, Waiver Petition Docket Number LI-88-4) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before January 26, 1989, will be considered by FRA before final decision is made. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m. to 5 p.m.) in Room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Issued in Washington, DC, on December 6, 1988.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 88-28504 Filed 12-9-88; 8:45 am]

BILLING CODE 4910-06-M

Federal Highway Administration

Environmental Impact Statement; City of Raleigh and Wake County, NC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an

environmental impact statement will be prepared for a proposed highway project within the City of Raleigh and Wake County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Roy C. Shelton, District Engineer, Federal Highway Administration, 310 New Bern Avenue, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 790–2856.

SUPPLEMENTARY INFORMATION: The FHWA, in connection with the North Carolina Department of Transportation (NCDOT), will prepare an environmental impact statement (EIS) on Duraleigh Road between I–40 and US 70 in Raleigh and Wake County. The proposed action includes the construction of a multilane partially controlled access highway on new location between I–40 and SR 1664 near Crabtree Creek and widening to a multilane facility along the existing alignment from near Crabtree Creek to US 70. The proposed action is a part of the 1986 Greater Raleigh Urban Area Thoroughfare Plan.

Alternatives under consideration include:

(1) Construction of a multi-lane facility along one of several alignments on the new location portion of the project

(2) The "no build" alternative

Letters describing the proposed action and soliciting comments are being sent to appropriate Federal, State, regional and local agencies. A public meeting and meetings with local officials and neighborhood groups will be held in the study area. A public hearing will also be held. Information on the time and place of the public hearing will be provided to the local news media. The draft EIS will be available for public and agency review and comment at the time of the hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Roy C. Shelton,

District Engineer.

[FR Doc. 88–28422 Filed 12–9–88; 8:45 am]

BILLING CODE 4910–22–M

Maritime Administration

[Docket S–842]

American President Lines, Ltd.; Application for a Waiver of Section 804(a) of the Merchant Marine Act, 1936, as Amended, To Permit Certain Foreign-Flag Operations

American President Lines, Ltd. (APL), by application dated November 7, 1988, as amended, requests waiver of the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended (Act), for foreign-flag feeder operations to the People's Republic of China (PRC).

APL's Existing Services

APL now performs four subsidized containership services. Its two transpacific services cover the range of former Trade Route (TR) 29 to/from California on up to 108 annual sailings (Line A) and to/from Oregon-Washington on up to 80 annual sailings (Line B). Former TR 29 includes ports in the Far East on the continent of Asia from the U.S.S.R. to Thailand, inclusive, Japan, Taiwan, and the Philippines. APL's two extension services add authority to serve the ports of Southeast and South Asia and the Persian Gulf on up to 28 sailings to/from California (Line A Extension) and up to 80 sailings to/from Oregon-Washington (Line B Extension) annually. APL is permitted by its contract to provide any part of the service by transfer or relay of cargo between subsidized vessels at any foreign port on the authorized services.

APL performs its Line A and Line B services primarily with line-haul vessels making direct calls at most major foreign TR 29 ports, including Yokohama, Kobe, and Okinawa, Japan; Kaoshiung and Chi-lung, Taiwan; and Hong Kong. Korea and the Philippines are served by APL subsidized feeder vessels.

APL Extension services are currently performed by a feeder network that includes two subsidized U.S.-flag APL owned vessels providing service on a relay basis to Singapore and Colombo via Kaohsiung, and to Fujayrah, Masqat, and Karachi via Colombo. The remaining feeder services have been foreign-flag common carriers. However, on June 3, 1988, APL was granted an 804 waiver to substitute 10 APL-owned or chartered foreign-flag vessels for 10 vessels in six of its feeder services in southern and southwestern Asia. This waiver is for five years, until June 3, 1993.

In April 1988, The Maritime Administration extended, for a second period of two years, until May 22, 1990, its waiver of the provisions of section 804 originally granted to APL in May 1986. This waiver allowed APL to own/charter and operate three foreign-flag vessels of 350 FEU capacity each for feeder service between APL's Line A or Line B ports, including Singapore, and Manila and Thailand.

The Requested Waiver

A mainland China waiver authority originally granted in May 1986 along with the above-mentioned Thailand service, was never used by APL, therefore the April 1988 two year extension did not include—and was not requested by APL—any mainland China waiver authority. Thus APL's November 7, 1988, request for "renewal of the 1986 permission" for two foreign-flag vessels of approximately 200 FEU capacity to be operated between a foreign port on Line A or Line B as described in APL's ODSA, including Singapore, and a port of ports in the People's Republic of China, is being considered a new 804 waiver application.

APL hopes that an apparent PRC restriction against supplying export cargo to foreign lines' feeder services may be removed, by diplomatic or commercial negotiation. APL states that such negotiations may be aided if APL is in a position to make prompt implementation of any agreement which may be reached. Thus the application for waiver for the PRC feeder is requested now.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5:00 p.m. on January 6, 1988. This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies))

By Order of the Maritime Administrator.

Date: December 7, 1988.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 88-28501 Filed 12-9-88; 8:45 am]

BILLING CODE 4910-81-M

[Docket S-841]

Chestnut Shipping Co. and Margate Shipping Co.; Application for a Waiver of Section 804 of the Merchant Marine Act, 1936, as Amended To Permit the Acquisition of an Interest in or Charter of Foreign-Flag Vessels

By application of November 23, 1988, Margate Shipping Company (Margate), with respect to Operating-Differential Subsidy Agreement (ODSA), Contract MA/MSB-134, and Chestnut Shipping Company (Chestnut), with respect to ODSA, Contract MA/MSB-299, request a waiver of the provisions of section 804(a) of the Merchant Marine Act, 1936, as amended (Act), until December 23, 1993, and November 11, 1996, the termination dates of the respective ODSAs, under special circumstances and for good cause shown pursuant to section 804(b) of the Merchant Marine Act, 1936, as amended (Act), so as to permit their affiliate Keystone Shipping Co. (Keystone) to acquire an interest in or charter nine foreign-flag crude and product tankers of 40,000 to 130,000 deadweight capacity. According to Keystone and Margate, they request nothing more than the Maritime Administrator (Administrator) granted Mormac Marine Group, Inc. (Mormac) in Docket S-831.

In response to Margate and Chestnut's original application of March 31, 1988, the Administrator by action of August 5, 1988, granted limited waivers under section 804(a) of the Act for their affiliate Keystone to charter in and charter out foreign-flag liquid bulk vessels ranging from 50,000 to 150,000 deadweight tons (DWT) for a limited period of six months from the date of its first foreign-flag charter. The first charter commenced on October 23, 1988, and thus the waivers will expire on April 22, 1989.

The applicants state that the essential facts, policy, law and arguments governing the Mormac application are indistinguishable from the instant application. For the special circumstances and good cause shown in support of this application, they respectively refer the Administrator to their original application for a section 804(a) waiver submitted on March 31, 1988; the support for such a waiver contained in Mormac's section 804(a) application of May 20, 1988; the findings of fact and determinations made by the Administrator in Docket S-826, dated August 5, 1988, and September 28, 1988, with respect to the waivers granted Margate and Chestnut and Docket S-831 dated November 1, 1988, with respect to the waiver granted Mormac.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such application within the meaning of section 804 of the Act and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5:00 p.m. on January 6, 1989. This notice is published as a matter of discretion. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies))

By Order of the Maritime Administrator.

Date: December 7, 1988.

James E. Saari,

Secretary.

[FR Doc. 88-28502 Filed 12-9-88; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: December 6, 1988.

The Department of Treasury has made revisions and resubmitted the following public information collection requirements(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB No. 1545-0895.

Form No. IRS Form 3800.

Type of Review: Resubmission.

Title: General Business Credit.

Description: Internal Revenue Code section 38 permits taxpayers to reduce their income tax liability by the amount of their general business credit, which is an aggregation of their investment credit, jobs credit, alcohol fuel credit, research credit, low-income housing credit, and employee stock ownership (ESOP) credit carryforward. Form 3800 is used to figure the correct credit.

Respondents: Farms, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 200,000.

Estimated Burden Hours Per Response:

Recordkeeping—10 hours, 2 minutes
Learning about the law or the form—7 hours, 24 minutes
Preparing the form: 25 hours, 34 minutes
Copying, assembling, and sending the form to IRS—5 hours, 5 minutes

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 9,620,000 hours.

Clearance Office: Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 88-28424 Filed 12-9-88; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

Date: December 6, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Departmental Offices

OMB No. 1505-0091.

Form No. TD F 90-22.27 (TFAC 31; TD F 90-22.28 (TFAC 32).

Type of Review: Revision.

Title: South African Transactions Regulations.

Description: Submisssions will provide the U.S. Government information to be used in administering and enforcing sanctions against South Africa.

Respondents: Individuals or households, Businesses and other for-profit.

Estimated Number of Respondents: 560.

Estimated Burden Hours Per Response: 2 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,120 hours.

Clearance Officer: Dale A. Morgan, (202) 343–0263, Departmental Offices, Room 2224, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, DC 20220,

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 88–28425 Filed 12–9–88; 8:45 am]

BILLING CODE 4810–25–M

Public Information collection Requirements Submitted to OMB for Review

Date: December 6, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB review listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

Alcohol, Tobacco and Firearms

OMB Number: 1512–0092.

Form Number: ATF F 5100.31 (1648) (1649) (1650).

Type of Review: Extension.

Title: Application for Certification/ Exemption of Label/Bottle Approval Under the Federal Alcohol Administration Act.

Description: The Federal Alcohol Administration Act regulates the labeling of alcoholic beverages and designates the Treasury Department to oversee compliance with regulations. This form is completed by the regulated industry and submitted to Treasury as an application to label their products. Treasury oversees label applications to prevent consumer deception and to determine falsification of unfair advertising practices on alcoholic beverages.

Respondents: Businesses and other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 6,060.

Estimated Burden Hours Per Response: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 27,300 hours.

OMB Number: 1512–0204.

Form Number: ATF F 5110.38.

Type of Review: Extension.

Title: Formula for Distilled Spirits Under the Federal Alcohol Administration Act (Supplemental).

Description: ATF F 5110.38 is used to determine the classification of distilled spirits for labeling and for consumer protection. The form describes the person filing, type of product to be made, and restrictions to the labeling and manufacture. The form is used by ATF to ensure that a product is made and labeled properly and to audit distilled spirits operations.

Respondents: Businesses and other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 200.

Estimated Burden Hours Per Response: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 4,000 hours.

OMB Number: 1512–0482.

Form Number: 5100/1.

Type of Review: Extension.

Title: Labeling and Advertising Requirements Under the Federal Alcohol Administration Act.

Description: Under the Federal Alcohol Administration Act, bottlers and importers of alcohol beverages are required to display certain information for consumers on labels and in advertisements. Other optional statements are also required.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents: 6,060.

Estimated Burden Hours Per Response: 1 hour.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1 hour.

Clearance Officer: Robert Masarsky, (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue NW., Washington, DC 20226.

OMB Reviewer: Milo Sunderhauf, (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 88–28426 Filed 12–9–88; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 53, No. 238
Monday, December 12, 1988

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL ENERGY REGULATORY COMMISSION

December 7, 1988

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5. U.S.C. 552B:

TIME AND PLACE: December 14, 1988, 10:00 a.m.

PLACE: 825 North Captiol Street, NE., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 357–8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

Consent Power Agenda

888th Meeting—December 14, 1988, Regular Meeting (10:00 a.m.)

CAP–1.
Project Nos. 10406–002 and 10405–005, Craig W. Scott
CAP–2.
Project No. 10409–002, Meldahl Hydropower Development Corporation
CAP–3.
Project No. 8863–003, Northeast Hydrodevelopment Corporation
CAP–4.
Project Nos. 2543–006 and 012, The Montana Power Company
CAP–5.
Project Nos. 8936–003 and 004, BES Hydro Company
CAP–6.
Project No. 6432–001, Liberty County, Montana, Town of Chester, Montana and MRR Partnership
CAP–7.
Project No. 9711–000, Inghams Corporation
CAP–8.
Project No. 9712–000, Beardslee Corporation
CAP–9.
Docket No. EL88–37–000, Kentucky Utilities Company
CAP–10.
Docket No. ER88–463–000, Connecticut Light and Power Company
CAP–11.
Docket No. ER83–728–002, Boston Edison Company
CAP–12.
Docket Nos. ER86–694–003 and ER88–273–001, New England Power Pool
CAP–13.
Docket No. ER81–177–008, Southern California Edison Company
CAP–14.
Docket No. ER88–501–000, Montana-Dakota Utilities Company
CAP–15.
Docket No. ER84–560–005, Union Electric Company
CAP–16.
Docket No. ER84–560–006, Union Electric Company
CAP–17.
Docket No. ER88–224–000, Carolina Power and Light Company
CAP–18.
Docket No. EL88–27–000, North Carolina Eastern Municipal Power Agency v. Carolina Power and Light Company
CAP–19.
Project No. 2899–003 Idaho, Twin Falls Canal Company and North Side Canal Company, Ltd.

Consent Miscellaneous Agenda

CAM–1.
Docket No. RM88–25–000, Generic Determination of Rate of Return on Common Equity for Public Utilities
CAM–2.
Docket No. RM88–28–000, Revision of Filing Fees for Natural Gas Rate and Tariff Filings
CAM–3.
Omitted
CAM–4.
Docket No. GP87–20–000, ANR Pipeline Company v. Plains Resources, Inc.
CAM–5.
Docket No. GP87–45–000, Anadarko Petroleum Corporation and APX Corporation (Formerly Pan Eastern Exploration Company) v. Brent Ranch Operating, Inc., Canadian Commercial Bank, Houston Pipe Line Company, Intratex Gas Company, Liquid Energy Corporation, Northern Natural Gas Company and South Cen-Tex Gas Company
CAM–6.
Docket No. SA88–5–001, Red River Gas Pipeline Corporation
CAM–7.
Docket No. RM87–34–000, Regulation of Natural Gas Pipelines after Partial Wellhead Decontrol

Consent Gas Agenda

CAG–1.
Docket No. RP89–18–000, Northern Border Pipeline Company
CAG–2.
Docket No. RP89–23–000, Northern Natural Gas Company, Division of Enron Corp.
CAG–3.
Docket No. RP88–167–008, Columbia Gas Transmission Corporation
CAG–4.
Docket Nos. RP88–194–004 and 005, Transwestern Pipeline Company
CAG–5.
Docket No. TQ89–2–37–001, Northwest Pipeline Corporation
CAG–6.
Docket No. RP88–190–001, North Penn Gas Company
CAG–7.
Docket No. TQ89–2–25–000, Mississippi River Transmission Corporation
CAG–8.
Docket No. RP88–191–000, Tennessee Gas Pipeline Company
CAG–9.
Docket No. TA88–2–22–000, CNG Transmission Corporation
CAG–10.
Docket No. RP88–201–001, East Tennessee Natural Gas Company
CAG–11.
Docket Nos. RP88–126–000 and 001, Colorado Interstate Gas Company
CAG–12.
Docket No. RP88–267–002, South Georgia Natural Gas Company
CAG–13.
Docket Nos. ST88–4985–000, ST88–2555–000, ST88–2905–000 and ST88–3337–000, Louisiana Intrastate Gas Corporation
CAG–14.
Docket Nos. ST88–4888–000, ST88–4889–000 and ST88–5419–000, Gulf States Pipeline Corporation
CAG–15.
Docket Nos. ST88–4014–000 and ST88–4795–000, Taft Pipeline Company
CAG–16.
Docket Nos. ST88–3008–000 and ST88–4082–000, The Tekas Corporation
CAG–17.
Docket No. RP88–262–001, Panhandle Eastern Pipe Line Company
CAG–18.
Docket Nos. RP88–27–009 and RP88–264–001, United Gas Pipe Line Company
Docket No. CP87–524–002, Texas Gas Transmission Corporation
CAG–19.
Docket No. RP88–45–010, Arkla Energy Resources, a Division of Arkla, Inc.
CAG–20.
Docket No. RP89–13–001, Mississippi River Transmission Corporation
CAG–21.
Docket Nos. RP88–263–002 and RP88–92–006, United Gas Pipe Line Company
CAG–22.
Docket No. RP88–96–007, Southern Natural Gas Company
CAG–23.
Docket No. RP88–253–000, Florida Gas Transmission Company
CAG–24.

Docket No. RP88–267–003, South Georgia Natural Gas Company
CAG–25.
Docket No. RP88–259–004, Northern Natural Gas Company, Division of Enron Corp.
CAG–26.
Docket No. RP88–258–002, Southern Natural Gas Company
CAG–27.
Docket No. RP89–3–001, Lawrenceburg Gas Transmission Corporation
CAG–28.
Docket No. TA89–1–51–001, Great Lakes Gas Transmission Company
CAG–29.
Docket No. TA89–1–41–003, Paiute Pipeline Company
CAG–30.
Omitted
CAG–31.
Docket No. TA89–1–45–001, Inter-City Minnesota Pipelines Ltd., Inc.
CAG–32.
Docket NoS. RP82–121–001, RP82–125–024 and RP88–228–000, Tennessee Gas Pipeline Company
CAG–33.
Docket No. RP88–239–003, Truckline Gas Company
CAG–34.
Docket Nos. RP88–240–001 and 000, Panhandle Eastern Pipe Line Company
CAG–35.
Docket No. RP88–241–001, Panhandle Eastern Pipe Line Company
CAG–36.
Docket Nos. RP89–30–000, RP86–119–007, TA84–2–9–009 and TA85–1–9–006, Tennessee Gas Pipeline Company
CAG–37.
Docket No. RP89–17–000, Northwest Pipeline Corporation
CAG–38.
Docket Nos. RP88–211–001, 003 and RP88–214–002, CNG Transmission Corporation
CAG–39.
Docket No. RP87–30–002, Colorado Interstate Gas Company
CAG–40.
Docket No. RP86–45–020, El Paso Natural Gas Company
CAG–41.
Docket Nos. RP86–130–002 and RP86–79–002, Northern Natural Gas Company, Division of Enron Corp.
CAG–42.
Docket Nos. TA88–1–27–003, RP88–57–002, RP88–109–001 and RP88–110–002, North Penn Gas Company
CAG–43.
Docket Nos. TA85–2–42–001 and 002, Transwestern Pipeline Company
CAG–44.
Docket Nos. ST86–1657–001, ST86–1660–001, ST86–1663–001, ST86–1687–001, ST86–1688–001, ST86–1689–001, ST86–1690–001, ST86–1691–001, ST86–1692–001, ST86–1752–001, ST86–1778–001, ST86–1779–001, ST86–1781–001, ST86–1790–001, ST86–1849–001, ST86–1853–001, ST86–1876–001, ST86–1877–001, ST86–1896–001, ST86–1898–001, ST86–1899–001, ST86–1900–001, ST86–1901–001, ST86–1902–001, ST86–1903–001, ST86–1904–001, ST86–1905–001, ST86–1906–001, ST86–1954–001, ST86–1955–001, ST86–1956–001, ST86–1957–001, ST86–1959–001, ST86–1971–001, ST86–2009–001, ST86–2014–001, ST86–2035–001, ST86–2048–001, ST86–2049–001, ST86–2050–001, ST86–2113–001, ST86–2114–001, ST86–2115–001, ST86–2116–001, ST86–2117–001, ST86–2126–001, ST86–2128–001, ST86–2132–001, ST86–2133–001, ST86–2134–001, ST86–2137–001, ST86–2142–001, ST86–2144–001, ST86–2146–001, ST86–2147–001, ST86–2151–001, ST86–2201–001, ST86–2202–001, ST86–2203–001, ST86–2204–001, ST86–2205–001, ST86–2206–001, ST86–2210–001, ST86–2211–001, ST86–2212–001, ST86–2213–001, ST86–2214–001, ST86–2215–001, ST86–2216–001, ST86–2254–001, ST86–2255–001, ST86–2257–001, ST86–2258–001, ST86–2260–001, ST86–2261–001, ST86–2262–001, ST86–2419–001, ST86–2422–001, ST86–2431–001 and ST86–2432–001, ANR Pipeline Company
CAG–45.
Docket No. RP88–127–004, Carnegie Natural Gas Company
CAG–46.
Docket Nos. RP88–68–000 and 001, Transcontinental Gas Pipe Line Corporation
CAG–47.
Docket No. RP89–22–000, ANR Pipeline Company
CAG–48.
Docket No. RP87–93–000, Columbia Gas Transmission Corporation
CAG–49.
Omitted
CAG–50.
Docket Nos. RP88–51–000 and 001, Northwest Pipeline Corporation
CAG–51.
Omitted
CAG–52.
Docket No. RP87–14–000, Algonquin Gas Transmission Company
CAG–53.
Docket No. RP87–7–000, Transcontinental Gas Pipe Line Corporation
CAG–54.
Docket No. ST88–2205–000, Llano, Inc.
CAG–55.
Docket Nos. ST83–429–001, ST81–105–002, ST81–106–001, ST82–193–001, ST82–193–002, ST82–194–001, ST82–195–000, ST82–195–002, ST83–50–001, ST83–141–001, ST83–327–000, ST83–327–001, ST83–441–000, ST83–441–001, ST83–481–000, ST83–634–000, ST83–634–001, ST84–2–000, ST84–101–000, ST84–101–000, ST84–215–000, ST84–218–000, ST84–219–000, ST84–524–000, ST84–728–000, ST84–1138–000, ST85–70–000, ST85–71–000, ST85–385–000, ST85–529–000, ST85–530–000, ST85–701–000, ST85–815–000, ST85–815–001, ST85–912–000, ST85–1116–000, ST85–1116–001, ST85–1221–000, ST85–1224–000, ST85–1607–000, ST85–1608–000, ST85–1608–001, ST85–1707–000, ST86–81–000, ST86–94–000, ST86–156–000, ST86–208–000, ST86–223–000, ST86–650–000, ST86–651–000, ST86–661–000, ST86–662–000, ST86–663–000, ST86–750–000, ST86–751–000, ST86–912–000, ST86–913–000, ST86–914–000, ST86–931–000, ST86–1013–000, ST86–1321–000, ST86–1796–000, ST86–1915–000, ST86–1915–001, ST86–1916–000, ST86–1950–000, ST86–2428–000, ST86–2717–000, ST86–2718–000, ST86–2719–000, ST87–752–000, ST87–753–000, ST87–1336–000, ST87–1483–000, ST87–1484–000, ST87–1488–000, ST87–1489–000, ST87–1490–000, ST87–1508–000, ST87–1847–000, ST87–2065–000, ST87–2066–000, ST87–2067–000, ST87–2245–000, ST87–2263–000, ST87–2415–000, ST87–2416–000, ST87–2417–000, ST87–2418–000, ST87–2587–000, ST87–2931–000, ST87–2932–000, ST87–2933–000, ST87–2934–000, ST87–2935–000, ST87–2936–000, ST87–2937–000, ST87–3318–000, ST87–3319–000, ST87–3320–000, ST87–3321–000, ST87–3322–000 and ST89–295–000, BP Gas Transmission Company
CAG–56.
Docket No. CI87–395–000, Williams Natural Gas Company
CAG–57.
Docket No. CI88–251–000, Arkla Exploration Company
Docket No. CP88–214–000, Arkla Exploration and Production, a Division of Arkla, Inc.
CAG–58.
Docket No. CI89–27–000, Exxon Corporation and Hunt Petroleum Corporation
CAG–59.
Docket No. CP88–428–000, NRM Operating Company, L.P., EnerMark, Inc., Hall-Houston Oil Company and Union Pacific Resources Company
CAG–60.
Docket No. CP88–681–001, Panhandle Eastern Pipe Line Company
CAG–61.
Docket No. CP87–451–018, Northeast U.S. Pipeline Projects
Docket No. CP87–92–000, 001, 002 and CP87–312–000, Texas Eastern Transmission Corporation and PennEast Gas Services Company
Docket No. CP87–312–003, Texas Eastern Transmission Corporation
Docket Nos. CP66–43–001 and CP88–179–000, Texas Eastern Transmission Corporation
Docket Nos. CP88–188–000 and CP88–197–000, PennEast Gas Services Company
Docket No. CP87–380–000, Texas Eastern Transmission Corporation and Algonquin Gas Transmission Company
Docket No. CP88–177–000, Transcontinental Gas Pipe Line Corporation
Docket Nos. CP87–5–000, CP87–313–000 and CP87–314–000, CNG Transmission Corporation
Docket Nos. CP87–554–000, CP88–186–000, CP88–187–000 and CP88–192–000 Algonquin Gas Transmission Company
Docket No. CP88–195–000, PennEast Gas Services Company, CNG Transmission Corporation and Texas Eastern Transmission Corporation
Docket No. CP88–171–000, Tennessee Gas Pipeline Company
CAG–62.
Docket No. CP88–79–002, National Steel Corporation
CAG–63.

Docket Nos. CP87–467–004, CP79–462–010 and CP66–110–037, Great Lakes Gas Transmission Company

CAG–64.
Docket No. CP88–397–002, Great Lakes Gas Transmission Company

CAG–65.
Docket No. CP89–5–000, CNG Transmission Corporation

CAG–66.
Docket No. CP88–473–000, Southern Natural Gas Company

CAG–67.
Docket No. CP88–312–000, Natural Gas Pipeline Company of America

CAG–68.
Docket No. CP88–412–000, Texas Gas Transmission Corporation

CAG–69.
Docket No. CP87–451–017, Northeast U.S. Pipeline Projects
Docket No. CP88–194–000, *et al.*, National Fuel Gas Supply, *et al.*

CAG–70.
Docket No. CP89–148–000, Northwest Pipeline Corporation

CAG–71.
Docket No. CP85–806–009, Texas Eastern Transmission Corporation

CAG–72.
Docket Nos. CP88–307–001 and 002, Great Lakes Gas Transmission Company

CAG–73.
Docket No. CP88–266–001, Midwestern Gas Transmission Company

CAG–74.
Docket No. CP87–103–003, Tennessee Gas Pipeline Company

I. Licensed Project Matters

P–1.
Project No. 1250–001, City of Pasadena Water and Power Department. Application for a new license for Azusa project on Forest Service lands.

II. Electric Rate Matters

ER–1.
Omitted.

ER–2.
Docket Nos. ER89–31–000, ER88–304–000 and ER88–305–000, Niagara Mohawk Power Corporation. Order on rate filing.

ER–3.
Docket No. QF88–158–001, Petrolia Power Company. Order on appeal of staff action.

Miscellaneoous Agenda

M–1.
Reserved

M–2.
Reserved

I. Pipeline Rate Matters

RP–1.
Reserved

II. Producer Matters

CI–1
Reserved

III. Pipeline Certificate Matters

CP–1.
Docket Nos. CP88–6–001 and RP88–8–007, United Gas Pipe Line Company. Order ruling on experimental capacity brokering proposal.

CP–2.
Docket No. CP88–587–000, Distrigas Corporation and Distrigas of Massachusetts Corporation. Order ruling on application to restructure liquefied natural gas sales service.

Lois D. Cashell,

Secretary.

[FR Doc. 88–28654 Filed 12–8–88; 3:10 p.m.]

BILLING CODE 6717–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 1:00 p.m. on Tuesday, December 6, 1988, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider matters relating to: (1) The possible closing of certain insured banks; (2) the Corporation's assistance agreement with an insured bank; and (3) an assistance agreement pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director C. C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and c(9)(B)).

Dated: December 7, 1988.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 88–28527 Filed 12–8–88; 8:50 am

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

TIME AND DATE: 10:00 a.m.—December 14, 1988.

PLACE: Hearing Room One—1100 L Street, NW., Washington, DC 20573–0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Section 18 Report.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking,

Secretary.

[FR Doc. 88–28553 Filed 12–8–88; 10:24 am]

BILLING CODE 6730–01–M

Corrections

Federal Register
Vol. 53, No. 238
Monday, December 12, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1002

[Docket No. A0-71-A76; DA-88-107]

Milk in the New York-New Jersey Marketing Area; Order Amending Order

Correction

In rule document 88-27727 beginning on page 48515 in the issue of Thursday, December 1, 1988, make the following correction:

§ 1002.90 [Corrected]

On page 48516, in the 1st column, in § 1002.90 introductory text, in the 15th line, "and" should read "the".

BILLING CODE 1505-01-D

DEPARTMENT OF EDUCATION

34 CFR Part 324

OMB Control Numbers

Correction

In rule document 88-27955 beginning on page 49141 in the issue of Tuesday, December 6, 1988, make the following correction:

On page 49145, in the first column, the authority citation immediately following amendatory instruction 47 should read as follows:

Authority: 20 U.S.C. 1441-1444, unless otherwise noted.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 716

[OPTS-84014B; FRL-3439-9]

Health and Safety Data Reporting Period Terminations

Correction

In the issue of Thursday, November 10, 1988, on page 45656, in the second column, a correction to FR Doc. 88-20002 appeared. The third item contained an error and should have appeared as follows:

§ 716.120 [Corrected]

3. On page 38649, in the same section, in the same table, under "Effective Date", in the seventh entry, "6/20/98" should read "6/20/88"; and in the corresponding entry, under "Sunset Date", "6/20/88" should read "6/20/98".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPTS-42054B; FRL-3431-9]

Testing Consent Orders on Aniline and Seven Substituted Anilines

Correction

In rule document 88-18727 beginning on page 31804 in the issue of Friday, August 19, 1988, make the following correction:

§ 799.5000 [Corrected]

On page 31813, in the third page-column, in § 799.5000, in the table, in the third table-column, in the first entry, "(Insert FR date)" should read "August 19, 1988".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53110; FRL-3473-6]

Premanufacture Notices; Monthly Status Report for September 1988

Correction

In notice document 88-25937 beginning on page 47910 in the issue of Monday, November 28, 1988, make the following correction:

On page 47913, in Table IV., in the first column, in the seventh line from the bottom, "Y 88-0106" should read "Y 86-0106".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51716; FRL-3473-7]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 88-25938 beginning on page 45547 in the issue of Thursday, November 10, 1988, make the following corrections:

1. On page 45548, in the third column, under **P 88-2113**, in the fifth line, "etheylethylbenzene" should read "ethenylethylbenzene".

2. On page 45550, in the second column, under **P 88-2159**, in the first line, "chemical" should read "Chemical".

3. On page 45551, in the first column, under **P 88-2168**, the seventh line should read "methyltris(ethylmethylketoxime)silane, trimethoxy(3-".

4. On the same page, in the second column, under **P 88-2175**, the seventh line should read "LD50 >5,000 mg/kg species (Rat)."

5. On the same page, in the same column, under **P 88-2176**, in the fourth line, "*Use*" was misspelled.

6. On the same page, in the same column, under **P 88-2177**, in the fifth line, "*Use*" was misspelled.

7. On the same page, in the third column, under **P 88-2185**, in the sixth line, "*Use*" was misspelled.

8. On page 45552, in the second column, under **P 88-2204**, in the fourth line, "*Use/Imports*" should read "*Use/Import*".

9. On the same page, in the same column, under **P 88-2207**, in the second line, "acids" was misspelled.

10. On the same page, at the end of the third column, insert the following text:

Use/Production. (G) Additive in cleaning formulation. Prod. range: Confidential.

P 88-2217

Manufacture. Confidential.

Chemical. (G) Alkyl disulfonate, disodium salt.

11. On page 45554, in the first column, under **P 88-2249**, in the third line, "polyacrylkate" should read "polyacrylate"; and in the fifth line, "polyacrylated" should read "polyacrylate".

12. On the same page, in the third column, under **P 88-2267**, in the second line, "Saturated" was misspelled.

13. On page 45556, in the first column, under **P 88-2295**, in the fifth line, "eiocosenes" should read "eicosenes".

14. On the same page, in the second column, under **P 88-2305**, the ninth line should read "ethanediyl)bis(omega-hydroxy-,".

15. On the same page, in the third column, under **P 88-2312**, in the eighth line, "(omega-hdroxy-," should read "(omega-hydroxy-,".

16. On page 45557, in the second column, under **P 88-2322**, in the third line, "resin" was misspelled.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51715; FRL-3473-8]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 88-25939 beginning on page 45557 in the issue of Thursday, November 10, 1988, make the following corrections:

1. On page 45557, in the 3rd column, under **DATES**, in the 12th and 13th lines, after "88-1970," remove "88-1968,".

2. On page 45560, in the first column, under **P 88-1966**, in the fifth line, "textiles" was misspelled.

3. On the same page, in the second column, under **P 88-1980**, in the fourth line, "reacted" was misspelled.

4. On page 45561, in the third column, under **P 88-2008**, in the second line, "easter" should read "ester".

5. On page 45562, in the first and second columns, each time "Substituted-substituted-substituted-benezene" appears, it should read "Substituted-substituted-substituted-benzene".

6. On the same page, in the third column, under **P 88-2028**, in the third line, "*Use/Production*" should read "*Use/Import*".

7. On the same page, in the same column, under **P 88-2030**, in the eighth line, "*Toxicity Date*" should read "*Toxicity Data*".

8. On the same page, in the same column, under **P 88-2032**, in the seventh line, "*Toxicity Date*" should read "*Toxicity Data*".

9. On page 45563, in the third column, under **P 88-2060**, in the second line, after "aliphatic" insert "aromatic".

10. On page 45564, in the first column, under **P 88-2065**, in the second line, "oligoner" should read "oligomer".

11. On the same page, in the same column, under **P 88-2067**, in the sixth line, "modifier" was misspelled.

12. On the same page, in the second column, under **P 88-2079**, in the second line, "Blocking" should read "Blocked".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51717; FRL-3474-5]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 88-25940 beginning on page 45565 in the issue of Thursday, November 10, 1988, make the following corrections:

1. On page 45566, in the 2nd column, in the 12th line, after "2508," insert "88-2509,".

2. On page 45567, in the second column, under **P 88-2347**, in the sixth line, "Power" should read "Powder".

3. On the same page, in the same column, under **P 88-2348**, in the sixth line, "Power" should read "Powder".

4. On page 45569, in the second column, under **P 88-2403**, the third line should read "*Chemical.* (S) 4,4'-(2,2,2-trifluoro-1-".

5. On page 45571, in the first column, after the entry for **P 88-2442**, insert the following entry:

Importer. Atlantic Industries, Inc.

Chemical. (G) Substituted aromatic azo compound.

Use/Import. (S) Reactive dye for textile. Import range: Confidential.

6. On page 45571, in the third column, under **P 88-2459**, in the first line, "Ciga-Geigy", should read "Ciba-Geigy".

7. On page 45574, in the first column, under **P 88-2516**, in the third line, "susbstitutedethylene" should read "substituted-ethylene".

8. On the same page, in the same column, under **P 88-2522**, in the second line, "Chemicals" should read "Chemical".

9. On page 45577, in the 3rd column, under **P 88-2607**, the 11th line should be removed and inserted as the 1st line below **P 88-2608**.

10. On the same page, in the same column, under **P 88-2611**, in the third line, "potassium" was misspelled.

11. On page 45578, in the first column, under **P 88-2620**, in the sixth line, "or" should read "of".

12. On the same page, in the third column, under **P 88-2632**, in the second line, "Alken" should read "Alkene"; and in the third line, "2,5-furandion" should read "2,5-furandione".

13. On page 45579, in the first column, under **P 88-2639**, in the second line, "acid dibasic" should read "dibasic acid".

14. On the same page, in the same column, under **P 88-2640**, in the third line, "dibasic" should be removed.

15. On the same page, in the same column, under **P 88-2641**, in the third line, "dibasic" should be removed.

16. On the same page, in the same column, under **P 88-2642**, the first line should read "*Manufacturer.* Confidential."; and in the third line, "dibasic" should be removed.

17. On the same page, in the second column, under **P 89-3**, in the eighth line, "3.66g/Kg" should read "3.66 g/kg"; and in the ninth line, "89/kg" should read "8 g/kg".

18. On the same page, in the same column, under **P 89-4**, in the eighth line, "3.88g/kg" should read "3.88 g/kg".

19. On the same page, in the third column, in the first line, "8g/kg" should read "8 g/kg".

20. On page 45580, in the third column, under **P 89-33**, in the third line, "*Use/PImport*" should read "*Use/Import*".

21. On the same page, in the same column, under **P 89-36**, in the first line, "Chemicals" should read "Chemical".

22. On page 45581, in the first column, under **P 89-37**, in the first line, "Chemicals" should read "Chemical"; and in the ninth line, "moderate" should read "strong".

23. On the same page, in the third column, under **P 89-61**, in the seventh line, "LD50 > mg/kg" should read "LD50 > 5,000".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51719; FRL-3481-9]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 88-27206 beginning on page 47760 in the issue of Friday,

November 25, 1988, make the following correction:

On page 47761, in the first column, under **P 89-78**, in the fourth line, "link" should read "ink".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 88N-0335]

Drugs Containing Sulfamethazine, Sulfaquinoxaline, Sulfamerazine, Sulfathiazole, Sulfapyridine, or Sulfanilamide for Oral, Injectable, Intramammary, or Intrauterine Use in Food-Producing Animals; Opportunity for Hearing

Correction

In notice document 88-26344 beginning on page 46050 in the issue of Tuesday, November 15, 1988, make the following correction:

On page 46050, in the first column, under **DATES**, in the fourth and fifth lines, "February 13, 1989" should read "January 17, 1989".

BILLING CODE 1505-01-D

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM89-1; Order No. 810]

Petition of Warshawsky and Co. for Third-Class Cost Data Rulemaking, 1988

Correction

In proposed rule document 88-27739 appearing on page 48654 in the issue of Friday, December 2, 1988, make the following correction:

In the first column, under **DATES**, in the seventh line, "December 19, 1988" should read "January 17, 1989".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 396

[FHWA Docket No. MC-113; Notice No. 87-02]
RIN 2125-AB34

Inspection, Repair and Maintenance

Correction

In rule document 88-27515 beginning on page 49402 in the issue of Wednesday, December 7, 1988, make the following correction:

On page 49402, in the third column, in the **EFFECTIVE DATE** line, "March 7, 1990" should read "December 7, 1989".

BILLING CODE 1505-01-D

Reader Aids

Federal Register

Vol. 53, No. 238

Monday, December 12, 1988

INFORMATION AND ASSISTANCE

FEDERAL REGISTER PAGES AND DATES, DECEMBER

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Note: The list of public laws enacted during the second session of the 100th Congress has been completed.

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The list will be resumed when bills are enacted into public law during the first session of the 101st Congress, which convenes on January 3, 1989. It may be used in conjunction with "P L U S" (Public Laws Update Service) on 523-6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone 202-275-3030).

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.l15New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$10.00	Jan. 1, 1988
3 (1987 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1988
4	14.00	Jan. 1, 1988
5 Parts:		
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1500-1899	9.50	Jan. 1, 1988
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1987. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1980 to March 31, 1988. The CFR volume issued as of Apr. 1, 1980, should be retained.

[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.